

**THIRTY-SEVENTH DAY**

**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 14, 2006

The Senate was called to order at 9:00 a.m. by President Owen. The Secretary called the roll and announced to the President that all Senators were present with the exception of Senators Deccio, Mulliken and Rasmussen.

The Sergeant at Arms Color Guard consisting of Pages Hahna Lee and Matt McNeely, presented the Colors. Senator Fraser offered the prayer.

**MOTION**

On motion of Senator Eide, the reading of the Journal of the previous day was dispensed with and it was approved.

**MOTION**

On motion of Senator Eide, the Senate advanced to the third order of business.

**MESSAGES FROM THE STATE OFFICES**

February 10, 2006

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is the Department of Agriculture Pesticide Investigations and Enforcement annual report. This report is mandated under RCW 15.58.420 and RCW 17.21.359.

If you have any questions about the report, please call 360-902-1812.

Sincerely,

Mary Beth Lang, Assistant to the Director  
The Department of Agriculture Pesticide Investigations and Enforcement annual report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

February 10, 2006

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Department of Fish & Wildlife Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor  
The Department of Fish & Wildlife Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

February 10, 2006

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is South Puget Sound Community College Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor  
The South Puget Sound Community College Audit Report is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

February 10, 2006

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Washington State Red Raspberry Commission Audit Report

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor  
The Washington State Red Raspberry Commission is on file in the Office of the Secretary of the Senate.

**MESSAGES FROM THE STATE OFFICES**

February 10, 2006

**STATE OF WASHINGTON**

Olympia, Washington 98504-5000

Mr. Thomas Hoemann  
Secretary of the Senate  
P.O. Box 40482  
Olympia, Washington 98504-0482

Dear Mr. Hoemann:

Enclosed is Caseload Forecast Council Audit Report. This report is mandated under RCW 43.09.310.

If you have any questions about the report, please call 360-902-0370.

Sincerely,

Brian Sonntag, State Auditor  
The Caseload Forecast Council Audit Report is on file in the Office of the Secretary of the Senate.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

2006 REGULAR SESSION

## MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

## INTRODUCTION AND FIRST READING

SB 6896 by Senators Prentice, Doumit, Brown, Regala, Rockefeller and Kohl-Welles

AN ACT Relating to state funding stabilization; amending RCW 43.135.025 and 43.135.035; reenacting and amending RCW 43.84.092 and 43.84.092; adding new sections to chapter 41.45 RCW; making appropriations; providing an effective date; providing expiration dates; and declaring an emergency.

Referred to Committee on Ways & Means.

## INTRODUCTION AND FIRST READING OF HOUSE

EHB 1069 by Representatives McIntire, Conway, Priest, Upthegrove, Kilmer, Moeller, Dickerson, Williams, Schual-Berke, Nixon, Springer, Sells, P. Sullivan, Green, Lovick, Kenney, Haigh, Wallace, Kagi, Simpson, Linville, Morris, Wood, Hunter, Lantz, Hudgins, Ericks, Dameille, Clibborn, Sommers, Morrell, Takko, O'Brien, Appleton, Hunt, Santos, Ormsby, Murray and Chase

AN ACT Relating to performance audits of tax preferences; adding new sections to chapter 43.136 RCW; and repealing RCW 43.136.010, 43.136.020, 43.136.030, 43.136.040, 43.136.050, and 43.136.070.

Referred to Committee on Ways & Means.

HB 1305 by Representatives Haigh, McDonald, Eickmeyer, Holmquist, Wallace, P. Sullivan, Roach, Morrell and Sells

AN ACT Relating to authorized emergency vehicles; and amending RCW 46.37.194.

Referred to Committee on Transportation.

SHB 1341 by House Committee on Local Government (originally sponsored by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase)

AN ACT Relating to the exemption of public hospital districts from regulatory restrictions on investments; and adding a new section to chapter 70.44 RCW.

Referred to Committee on Government Operations & Elections.

E2SHB 1395 by House Committee on Commerce & Labor (originally sponsored by Representatives Wood, Conway and Condotta)

AN ACT Relating to the uniform regulation of business and professions; amending RCW 18.140.160, 18.185.110, 18.185.120, 19.16.410, 18.220.040, 18.220.130, 18.220.140, 18.165.170, 18.170.180, 18.235.005, 18.235.010, 18.235.020, 18.235.040, 18.235.050, 18.235.080, 18.235.090, 18.235.100, 18.235.110,

18.235.130, 18.235.150, and 18.235.210; and repealing RCW 18.140.175 and 18.85.343.

Referred to Committee on Labor, Commerce, Research & Development.

3SHB 1458 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hunt, Dickerson, McCoy, B. Sullivan, Williams, Haigh, Appleton, Linville, Chase, Dunshee, Simpson, Upthegrove, Moeller and McDermott)

AN ACT Relating to managing on-site sewage disposal systems in marine areas; adding a new section to chapter 90.48 RCW; adding a new chapter to Title 70 RCW; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HB 1763 by Representatives B. Sullivan, Cody, Walsh and Nixon

AN ACT Relating to anatomical gifts; and repealing RCW 68.50.560.

Referred to Committee on Health & Long-Term Care.

SHB 1944 by House Committee on Commerce & Labor (originally sponsored by Representatives Hunt and Williams)

AN ACT Relating to raffles conducted by state employees; adding a new section to chapter 9.46 RCW; and adding a new section to chapter 42.52 RCW.

Referred to Committee on Labor, Commerce, Research & Development.

HB 1964 by Representatives Walsh, Grant, Haler, McIntire, Conway, Hankins and Chase

AN ACT Relating to designating the Walla Walla sweet onion as the official Washington state vegetable; and adding a new section to chapter 1.20 RCW.

Referred to Committee on Government Operations & Elections.

SHB 2033 by House Committee on Finance (originally sponsored by Representatives McIntire, Orcutt, Conway, Hunter, Chase and Santos)

AN ACT Relating to the allocation of printing and publishing income for municipal business and occupation taxes; adding a new section to chapter 35.102 RCW; and providing an effective date.

Referred to Committee on Government Operations & Elections.

SHB 2219 by House Committee on Local Government (originally sponsored by Representatives Hunt, DeBolt, Williams and Alexander)

AN ACT Relating to urban industrial land banks; and amending RCW 36.70A.367.

Referred to Committee on Government Operations & Elections.

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EHB 2340 by Representatives Kirby, Roach, Chase, Kenney and Simpson

AN ACT Relating to mortgage brokers and loan originators; amending RCW 19.146.005, 19.146.010, 19.146.020, 19.146.0201, 19.146.030, 19.146.040, 19.146.060, 19.146.070, 19.146.200, 19.146.205, 19.146.210, 19.146.215, 19.146.225, 19.146.228, 19.146.235, and 19.146.280; reenacting and amending RCW 19.146.220; adding new sections to chapter 19.146 RCW; creating a new section; prescribing penalties; and providing an effective date.

Referred to Committee on Financial Institutions, Housing & Consumer Protection.

HB 2364 by Representatives Santos, Orcutt, McIntire, Hunter, Armstrong, Morrell, Roach, Kenney, Fromhold, Ericks and McDermott

AN ACT Relating to use tax owed by converting or merging credit unions when converting or merging a federal, foreign, or out-of-state credit union into a state charter; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 2398 by Representatives Cody, Morrell, Appleton, Hasegawa, Clibborn, Hudgins, Dickerson, Kagi, Green and Schual-Berke

AN ACT Relating to expanding participation in state purchased health care programs; amending RCW 48.41.100 and 70.47.020; and adding a new section to chapter 70.47 RCW.

Referred to Committee on Health & Long-Term Care.

SHB 2407 by House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Lovick, Strow, O'Brien, Ericks, Dunshee, Linville, Grant, Lantz, Kessler, Williams, Blake, Morrell, Rodne, Hunt, Conway, P. Sullivan, Springer, Takko, Kilmer, Fromhold, B. Sullivan, Hunter, Simpson, Green, Miloscia, Sells, Upthegrove, Campbell and Ormsby)

AN ACT Relating to electronic monitoring of sex offenders; amending RCW 9.94A.715; reenacting and amending RCW 9.94A.505; adding a new section to chapter 9.94A RCW; adding a new section to chapter 4.24 RCW; and prescribing penalties.

Referred to Committee on Human Services & Corrections.

HB 2409 by Representatives O'Brien, Rodne, Ericks, Lovick, Anderson, Jarrett, Nixon, McDonald, Williams, Darneille, Buck, Conway, P. Sullivan, Tom, Takko, Lantz, Kilmer, Fromhold, B. Sullivan, Morrell, Simpson, Springer, Green, Miloscia, Sells and Ormsby

AN ACT Relating to strengthening the sex and kidnapping offender registration statute by decreasing the amount of time within which returning or out-of-state registrants must register after establishing residence in Washington, requiring offenders with fixed residences to provide their complete residential addresses when registering, requiring homeless offenders, when they check in weekly, to inform

the county sheriff where they have been over the past week and where they plan to be in the forthcoming week, requiring offenders to sign the written notice they provide to the county sheriff when they change residences or cease to have a fixed residence, and clarifying that any violation of RCW 9A.44.130 is a crime; amending RCW 9A.44.130; reenacting and amending RCW 9A.44.130; prescribing penalties; providing an effective date; providing an expiration date; and declaring an emergency.

Referred to Committee on Human Services & Corrections.

SHB 2416 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Kessler, Hasegawa, Hunt, Haigh, McIntire, Dunshee, B. Sullivan and Takko)

AN ACT Relating to state park fees; and amending RCW 79A.05.070.

Referred to Committee on Natural Resources, Ocean & Recreation.

E2SHB 2418 by House Committee on Capital Budget (originally sponsored by Representatives Springer, Miloscia, Chase, Morrell, Hasegawa, Darneille, Santos, P. Sullivan, Kagi, Green, Sells, Ormsby and O'Brien)

AN ACT Relating to affordable housing; amending RCW 82.45.060, 43.185C.010, and 43.63A.655; adding new sections to chapter 43.185 RCW; adding new sections to chapter 43.185A RCW; adding a new section to 2005 c 488 (uncodified); adding new sections to chapter 43.185C RCW; creating new sections; recodifying RCW 43.63A.655; making appropriations; and providing expiration dates.

Referred to Committee on Ways & Means.

SHB 2437 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Hudgins, Chase, Dunshee and Upthegrove)

AN ACT Relating to state-owned refueling stations; and creating a new section.

Referred to Committee on Water, Energy & Environment.

SHB 2447 by House Committee on Finance (originally sponsored by Representatives Condotta and Armstrong)

AN ACT Relating to extending the state sales and use tax credit for public facilities districts created before September 1, 2006; and amending RCW 82.14.390.

Referred to Committee on Ways & Means.

SHB 2457 by House Committee on Finance (originally sponsored by Representatives Grant, Williams, Blake, Clibborn, Linville, Cox, Buck, Haigh, Sump, Newhouse, Walsh, Buri, Haler, Morrell, Morris, Ericks, Strow, O'Brien and Holmquist)

AN ACT Relating to excise tax relief for farm machinery and equipment; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an effective date.

Referred to Committee on Agriculture & Rural Economic Development.

ESHB 2534 by House Committee on Transportation (originally sponsored by Representatives Nixon, Rodne and Woods)

AN ACT Relating to full disclosure of vehicle taxes and license fees; amending RCW 46.16.210; and creating a new section.

Referred to Committee on Transportation.

HB 2551 by Representative Dunshee

AN ACT Relating to campaign contributions by limited liability companies; and amending RCW 42.17.660.

Referred to Committee on Government Operations & Elections.

HB 2580 by Representatives Upthegrove, Schual-Berke, P. Sullivan, Simpson and McCune

AN ACT Relating to the excise taxation of persons that inspect, test, and label canned salmon; amending RCW 82.04.280 and 82.04.280; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; providing a contingent effective date; and providing a contingent expiration date.

Referred to Committee on Ways & Means.

SHB 2590 by House Committee on Finance (originally sponsored by Representatives Dickerson and McIntire)

AN ACT Relating to the excise taxation of nonprofit organizations organized and operated for zoological purposes; amending RCW 82.04.4328, 82.04.4322, 82.04.4324, 82.04.4326, 82.04.4327, 82.08.031, and 82.12.031; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

HB 2617 by Representatives Kretz, Blake, Ahern, Schindler, Sump, Condotta, Holmquist, Kristiansen, Serben, Campbell, McDonald, Hinkle and Dunn

AN ACT Relating to allowing local jurisdictions to allow off-road vehicles to operate on designated city or county roads; amending RCW 46.09.115, 46.09.120, 46.09.180, and 46.37.010; and reenacting and amending RCW 46.16.010.

Referred to Committee on Transportation.

ESHB 2651 by House Committee on Economic Development, Agriculture & Trade (originally sponsored by Representatives Pettigrew, Kristiansen, Haigh, Buri, Walsh, Linville, Kretz, Grant, Cox, Newhouse, Holmquist, Blake, Armstrong and Springer)

AN ACT Relating to disclosure of animal information; amending RCW 42.56.380; reenacting and amending RCW 42.17.310; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Agriculture & Rural Economic Development.

SHB 2658 by House Committee on Natural Resources, Ecology & Parks (originally sponsored by Representatives Hinkle, B. Sullivan, Condotta and Kretz)

AN ACT Relating to a statewide off-road vehicle data base; and amending RCW 46.09.250 and 46.09.110.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 2669 by House Committee on Health Care (originally sponsored by Representatives Cody, Green, Morrell, Clibborn, Campbell, Moeller, Priest and Lantz)

AN ACT Relating to licensing specialty hospitals; adding a new section to chapter 70.41 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 2670 by House Committee on Finance (originally sponsored by Representatives Kilmer, Lantz, Priest, Talcott, Green, Conway, Darneille, Cody, Hinkle, Linville, Flannigan, Miloscia and Moeller)

AN ACT Relating to financing for hospital benefit zones; adding new sections to chapter 82.14 RCW; adding a new section to chapter 82.32 RCW; adding a new chapter to Title 39 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

ESHB 2685 by House Committee on Appropriations (originally sponsored by Representatives Fromhold, Conway, Lovick, Quall, Simpson, Ormsby and Moeller)

AN ACT Relating to general provisions in the public safety employees' retirement system; amending RCW 41.37.005, 41.37.010, 41.04.270, 41.04.278, and 41.04.393; and declaring an emergency.

Referred to Committee on Ways & Means.

SHB 2694 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Nixon, Sump and Hunt)

AN ACT Relating to eliminating Saturday counting of ballots; amending RCW 29A.60.160; reenacting and amending RCW 29A.60.160; providing an effective date; and providing an expiration date.

Referred to Committee on Government Operations & Elections.

HB 2704 by Representatives O'Brien, Pearson, Darneille, Kirby, Ahern, Williams, Strow, Kilmer, Green, Sells and Morrell

AN ACT Relating to organized retail theft; amending RCW 9A.56.010; reenacting and amending RCW 9A.82.010 and 9.94A.515; adding new sections to chapter 9A.56 RCW; and prescribing penalties.

Referred to Committee on Labor, Commerce, Research & Development.

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SHB 2715 by House Committee on Technology, Energy & Communications (originally sponsored by Representatives Ericks, Anderson, Morris, Haler, Crouse, Hankins, Nixon, Sump, P. Sullivan, Hudgins, Kilmer, Takko, Green, Sells, Clibborn, Simpson, Springer, Roberts, Ormsby, Morrell and McIntire)

AN ACT Relating to the state interoperability executive committee; amending RCW 43.105.330; and creating a new section.

Referred to Committee on Government Operations & Elections.

HB 2717 by Representatives Schindler, O'Brien, Dunn, McCune, Miloscia and Holmquist

AN ACT Relating to mobile home park sewer-related charges; and amending RCW 35.67.370.

Referred to Committee on Government Operations & Elections.

2SHB 2799 by House Committee on Finance (originally sponsored by Representatives Chase, Morris, Crouse, Eickmeyer, Clibborn, P. Sullivan, Hunt, McCoy, Miloscia, Grant, Sells, Williams, McCune, Moeller, Conway, Upthegrove, Morrell, Simpson, Kilmer, Kagi, Hudgins, Dunn and Darneille)

AN ACT Relating to providing tax exemptions for solar hot water systems; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

2SHB 2805 by House Committee on Appropriations (originally sponsored by Representatives O'Brien, Ericks, Morrell, Miloscia and Green)

AN ACT Relating to missing persons; amending RCW 68.50.320; adding new sections to chapter 36.28A RCW; adding a new section to chapter 43.103 RCW; adding a new section to chapter 43.43 RCW; and creating new sections.

Referred to Committee on Judiciary.

HB 2829 by Representatives Wallace, Curtis, Haigh, Springer, Morrell, Hunt, Takko, Schual-Berke, Murray and Moeller

AN ACT Relating to driver training schools; amending RCW 46.82.280, 46.82.300, 46.82.310, 46.82.320, 46.82.325, 46.82.330, 46.82.340, 46.82.350, 46.82.360, 46.82.370, 46.82.420, 18.235.020, and 46.20.055; adding a new section to chapter 46.82 RCW; and declaring an emergency.

Referred to Committee on Transportation.

SHB 2846 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Miloscia, Hunt, Campbell and Dunshee)

AN ACT Relating to campaign finance disclosure; and amending RCW 42.17.030 and 42.17.405.

Referred to Committee on Government Operations & Elections.

E3SHB 2939 by House Committee on Capital Budget (originally sponsored by Representatives Grant, Dunshee, Linville, Kessler, Upthegrove, Kilmer, Ericks, Hasegawa, P. Sullivan, Santos, Green, Springer, Conway, Simpson and Hudgins)

AN ACT Relating to creation of the energy freedom program; amending RCW 82.16.020; adding a new chapter to Title 43 RCW; creating a new section; providing an effective date; and providing an expiration date.

Referred to Committee on Water, Energy & Environment.

ESHB 2943 by House Committee on Health Care (originally sponsored by Representatives Cody, Curtis, Morrell, Campbell, Green, Clibborn, Kessler, Serben, Rodne, Roach, Moeller, Buri, Pearson, McCune, Appleton, Kenney, Hasegawa and Dunn)

AN ACT Relating to health care provider contracting; adding a new section to chapter 48.43 RCW; and creating a new section.

Referred to Committee on Health & Long-Term Care.

SHB 3024 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Haigh, Cox, Ericks, Miloscia, Armstrong, McCoy, McDermott, Green, Morrell, Wallace, Nixon, Clements, Chase and Linville)

AN ACT Relating to alternative public works contracting for school district capital demonstration projects; and amending RCW 39.10.067, 39.10.115, and 39.10.902.

Referred to Committee on Government Operations & Elections.

HB 3057 by Representatives Green, Nixon, Hunt, Sump, Miloscia, Haigh, Schual-Berke and Morrell

AN ACT Relating to modifying the provisions of the address confidentiality program; and amending RCW 40.24.020, 40.24.030, 40.24.040, 40.24.060, and 40.24.070.

Referred to Committee on Government Operations & Elections.

SHB 3109 by House Committee on State Government Operations & Accountability (originally sponsored by Representatives Miloscia, Morrell and O'Brien)

AN ACT Relating to government performance and accountability; amending RCW 43.09.430, 43.09.435, 43.09.450, 43.09.455, and 43.09.460; adding new sections to chapter 43.41 RCW; adding a new section to chapter 44.28 RCW; creating a new section; recodifying RCW 43.09.430, 43.09.435, 43.09.455, 43.09.460, and 43.09.450; and repealing RCW 43.09.440, 43.09.445, and 43.88.162.

Referred to Committee on Government Operations & Elections.

SHB 3180 by House Committee on State Government Operations & Accountability (originally sponsored by

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Representatives Haigh, Nixon, Hudgins, Jarrett, Cody, Haler, Santos and Morrell)

AN ACT Relating to contractors with the state; and amending RCW 42.40.020 and 49.60.210.

Referred to Committee on Government Operations & Elections.

HB 3237 by Representatives Hunter, Eickmeyer, Simpson, Grant, Linville, Hankins and Jarrett

AN ACT Relating to a review of the department of natural resources' aquatic program; and creating new sections.

Referred to Committee on Natural Resources, Ocean & Recreation.

SHB 3282 by House Committee on Select Committee on Hood Canal (originally sponsored by Representatives Eickmeyer, Green, Haigh, Appleton, Kilmer, O'Brien, Lantz, McCoy, Chase, Miloscia, Clibborn and Ormsby)

AN ACT Relating to the Hood Canal aquatic rehabilitation account; and adding a new section to chapter 90.88 RCW.

Referred to Committee on Ways & Means.

2SHB 3287 by House Committee on Appropriations (originally sponsored by Representatives Chase, Sump, Eickmeyer, McCoy, Walsh and Pearson)

AN ACT Relating to studying nitrogen contributions from on-site sewage systems in Hood Canal; and creating a new section.

Referred to Committee on Water, Energy & Environment.

HJR 4202 by Representatives Simpson, P. Sullivan, Nixon, Buck, Springer, Hankins, Haler, Quall, B. Sullivan, Kessler, Morris, Roberts and Chase

Authorizing investment of hospital district funds.

Referred to Committee on Government Operations & Elections.

MOTION

On motion of Senator Eide, all measures listed on the Introduction and First Reading report were referred to the committees as designated.

MOTION

On motion of Senator Eide, the Senate reverted to the fourth order of business.

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:  
The House has passed the following bill(s):  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1765,  
SECOND SUBSTITUTE HOUSE BILL NO. 2422,  
HOUSE BILL NO. 2452,  
SUBSTITUTE HOUSE BILL NO. 2815,  
SUBSTITUTE HOUSE BILL NO. 2946,

HOUSE BILL NO. 3016,  
SECOND SUBSTITUTE HOUSE BILL NO. 3070,  
HOUSE BILL NO. 3172,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3186  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:  
The House has passed the following bill{s}:  
THIRD SUBSTITUTE HOUSE BILL NO. 1226,  
SUBSTITUTE HOUSE BILL NO. 1614,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2349,  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2574,  
SECOND SUBSTITUTE HOUSE BILL NO. 2593,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2706,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2740,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2850,  
ENGROSSED HOUSE BILL NO. 2910,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2951,  
SUBSTITUTE HOUSE BILL NO. 2958,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:  
The House has passed the following bill{s}:  
ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1015,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2475,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2594,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 2895,  
ENGROSSED SUBSTITUTE HOUSE BILL NO. 3089,  
SUBSTITUTE HOUSE BILL NO. 3137,  
SUBSTITUTE HOUSE BILL NO. 3178,  
ENGROSSED HOUSE BILL NO. 3192,  
HOUSE BILL NO. 3266,  
HOUSE BILL NO. 3275,  
and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

PERSONAL PRIVILEGE

Senator Eide: "Well, I understand we have cookies being delivered to our desk and I'm sure it's because of Linda, your beautiful wife, who can certainly cook. I wanted to take this opportunity to thank her once again for the goodies. We look forward to them every Valentines Day. She's a sweetheart."

REPLY BY THE PRESIDENT

President Owen: "Thank you, I will send her that message

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but she's probably still sleeping now. She was cooking at three o'clock this morning."

PERSONAL PRIVILEGE

Senator Hargrove: "Yes, I understand that we were going to get three cookies. Did you eat the others?"

PERSONAL PRIVILEGE

Senator McCaslin: "If there's anyone on this floor that doesn't need a third cookie it's the previous speaker. On behalf of this side of the aisle, we thank you and thank Linda and we just wish everyday was a Valentine's Day."

PERSONAL PRIVILEGE

Senator Delvin: "Thank you Mr. President. I would ask that the Senate Security keep an eye on the Senator from the Twenty-Fourth District. He has some pants on today that has some extra big pockets and some cookies might disappear today."

SECOND READING

SENATE BILL NO. 5439, by Senators Roach, Swecker, Delvin, Sheldon, Parlette, Kohl-Welles and McCaslin

Authorizing background checks on gubernatorial appointees.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 5439 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Roach spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Deccio, Mulliken, Hewitt, Finkbeiner, Roach and Benton were excused.

MOTION

On motion of Senator Regala, Senators Rasmussen, Brown and Keiser were excused.

The President declared the question before the Senate to be the final passage of Senate Bill No. 5439.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5439 and the bill passed the Senate by the following vote: Yeas, 43; Nays, 2; Absent, 1; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Parlette, Poulsen, Prentice, Pridemore, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 43

Voting nay: Senators Brandland and Honeyford - 2

Absent: Senator Pflug - 1

Excused: Senators Deccio, Mulliken and Rasmussen - 3

SENATE BILL NO. 5439, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the eighth order of business.

MOTION

Senator Thibaudeau moved adoption of the following resolution:

SENATE RESOLUTION

8714

By Senators Thibaudeau and Morton

WHEREAS, "CREATE," a grassroots arts program, was founded in 1995 in Pend Oreille County by five mothers in the community who were concerned about the decrease in the availability of arts programs in public schools; and

WHEREAS, Recognizing that music and art enrichment programs are important components of a well-rounded education, the founders came together to fill a void in the community; and

WHEREAS, This arts and humanities program serves the geographically isolated and economically disadvantaged population of Pend Oreille County; and

WHEREAS, Various studies indicate that children involved in music, drama, and art programs not only do better in school, but are better equipped to explore their own creative potential; and

WHEREAS, This groundbreaking program gives novices and professional artists alike the opportunity to learn, grow, and showcase creative works through a variety of programs;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate recognize "CREATE" as a resourceful and innovative community arts program, and recognize the founders and other supporters in the community; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to "CREATE" founders: Martha Nichols, Joyce Weir, Nancy Cain, Carol Mack, Kate Drum, and "CREATE" managing director Lucy Wilson.

Senators Thibaudeau, Morton, McAuliffe and Jacobsen spoke in favor of adoption of the resolution.

The President declared the question before the Senate to be the adoption of Senate Resolution No. 8714.

The motion by Senator Thibaudeau carried and the resolution was adopted by voice vote.

MOTION

At 9:26 a.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 10:04 a.m. by President Owen.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006

SENATE BILL NO. 6717, by Senators Kohl-Welles, Brandland, McAuliffe, Hargrove, Rockefeller, Shin, Rasmussen, Schmidt and Stevens

Extending the joint task force on criminal background check processes.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6717 was substituted for Senate Bill No. 6717 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6717 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Brandland spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Schoesler, Senator Pflug was excused.

#### MOTION

On motion of Senator Regala, Senator Thibaudeau was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6717.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6717 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Weinstein and Zarelli - 46

Excused: Senators Deccio, Pflug and Thibaudeau - 3

SUBSTITUTE SENATE BILL NO. 6717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### REMARKS BY THE PRESIDENT

President Owen: "Just a brief announcement for the members, the question has arisen as to whether or not the cookies may be eaten on the floor. For the members information we will implement the annual suspension of the St. Valentines Day no eating cookies on the floor rule. So, the cookies may be eaten on the floor, today only."

#### PERSONAL PRIVILEGE

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Senator Rasmussen: "Well I as one and I'm sure this all the members of the Senate would join me in saying, thank you to Linda because it's just not Valentine's Day without a wonderful message from you and Linda. I certainly appreciate it and thank you very much. You have a lovely wife. You are indeed a very, very lucky man to have such a good woman in front of you."

#### PERSONAL PRIVILEGE

Senator Honeyford: "How can we eat this cookie without a cup of coffee?"

#### PERSONAL PRIVILEGE

Senator Roach: "I also want to thank Linda for having the good sense to put walnuts in these chocolate chip cookies. I can expand a little bit about this. We had a family gathering one time and the family is getting pretty big. We have five children, eight grandchildren. It was a big party. Everybody brought their spouses and everything. I decided that I would make my favorite cookie, which would be chocolate chip cookies and I like them with walnuts. I made a bunch of cookies and I made several batches, big, rounded on the plate and then I made another batch over here. There were two batches next to each other and one little sign I put said 'With' and the other little sign I put next to the cookies it said, 'Without'. So, one had with the walnuts and one without. Now, it was kind of a test of sorts. I wanted to let you know this that the cookies that said 'without' the plate was empty by the end of the day. The plate that said, 'With' was almost totally full. Apparently my son and I were the only ones that liked the walnuts and I want to let you know that, I'm very pleased that you and your wife understand that there should, in fact, be walnuts in a good, chocolate chip cookie."

#### PERSONAL PRIVILEGE

Senator McCaslin: "This could be called a public announcement to all of you senators. Those who arrived last year and those who have been here for years. On your desk is a handy little reference booklet that tells you what to say but not what not to say. So, I would recommend it to you all. It lists all the senators in here. What district they are from and gives you the proper motions to make when you get up and you don't know what to do with a bill and the President says 'Would you like to move it? or, 'Would you not like to move it?' I've often wondered about people get up and say I move an amendment and I often wonder where they're moving it to. It's proper to say 'I move it to be adopted' or, The amendment so and so should be adopted. It's just a little point of order that I think all of you should refer too. I know the floor leader for the other side does an excellent job and she doesn't need it but, thank you, Mr. President."

#### MOTION

On motion of Senator Schoesler, Senators Stevens and Swecker were excused.

#### MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

THIRTY-SEVENTH DAY, FEBRUARY 14, 2006  
MOTION

2006 REGULAR SESSION  
MOTION

On motion of Senator Oke, the rules were suspended, Senate Bill No. 5048 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5048, by Senators Oke, Brown, Keiser, Swecker, Kline, Morton, Rockefeller, Deccio, Thibaudeau, Finkbeiner, McAuliffe, Sheldon, Rasmussen, Spanel, Berkey, Eide, Doumit, Regala, Kohl-Welles, Jacobsen, Franklin, Haugen, Fraser, Kastama and Weinstein

Prohibiting tobacco product sampling.

The measure was read the second time.

MOTION

Senator Oke moved that the following amendment by Senator Oke be adopted.

Beginning on page 3, line 29, strike all of section 4 and insert the following:

"**Sec. 4.** RCW 70.155.090 and 2005 c 206 s 2 are each amended to read as follows:

(1) Where there may be a question of a person's right to purchase or obtain tobacco products by reason of age, the retailer(~~(-sampler;))~~ or agent thereof, shall require the purchaser to present any one of the following officially issued identification that shows the purchaser's age and bears his or her signature and photograph: (a) Liquor control authority card of identification of a state or province of Canada; (b) driver's license, instruction permit, or identification card of a state or province of Canada; (c) "identocard" issued by the Washington state department of licensing under chapter 46.20 RCW; (d) United States military identification; (e) passport; (f) enrollment card, issued by the governing authority of a federally recognized Indian tribe located in Washington, that incorporates security features comparable to those implemented by the department of licensing for Washington drivers' licenses. At least ninety days prior to implementation of an enrollment card under this subsection, the appropriate tribal authority shall give notice to the board. The board shall publish and communicate to licensees regarding the implementation of each new enrollment card; or (g) merchant marine identification card issued by the United States coast guard.

(2) It is a defense to a prosecution under RCW 26.28.080 that the person making a sale reasonably relied on any of the officially issued identification as defined in subsection (1) of this section. The liquor control board shall waive the suspension or revocation of a license if the licensee clearly establishes that he or she acted in good faith to prevent violations and a violation occurred despite the licensee's exercise of due diligence."

Senator Oke spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Oke on page 3, line 29 to Senate Bill No. 5048.

The motion by Senator Oke carried and the amendment was adopted by voice vote.

On motion of Senator Oke, the rules were suspended, Engrossed Senate Bill No. 5048 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Oke, Kohl-Welles and Pridemore spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5048.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5048 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 6; Absent, 0; Excused, 4.

Voting yea: Senators Benton, Berkey, Brandland, Brown, Carrell, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Sheldon, Shin, Spanel, Weinstein and Zarelli - 39

Voting nay: Senators Benson, Delvin, Hewitt, Honeyford, Pflug and Schoesler - 6

Excused: Senators Deccio, Stevens, Swecker and Thibaudeau - 4

ENGROSSED SENATE BILL NO. 5048, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate reverted to the sixth order of business.

SECOND READING

SENATE BILL NO. 6606, by Senators Fraser, Oke, Fairley, Deccio, Berkey, McAuliffe, Keiser, Kline, Regala, Honeyford, Thibaudeau, Mulliken, Pridemore, Rockefeller, Delvin, Rasmussen and Kohl-Welles

Requiring standards for educational interpreters for students who are deaf or hard of hearing.

The measure was read the second time.

MOTION

Senator Benton moved that the following amendment by Senator Benton be adopted.

On page 1, line 15, after "students." strike "The superintendent must" and insert "By January 15, 2007, the superintendent must report to the education committees of the legislature and"

On page 1, line 17, after "standards." insert "The superintendent of public instruction must obtain formal legislative approval through legislation before the implementation of any standards for educational interpreters."

Senator Benton spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senator Benton on page 1, line 15 to Senate Bill No. 6606.

The motion by Senator Benton carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Fraser, the rules were suspended, Engrossed Senate Bill No. 6606 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fraser spoke in favor of passage of the bill.

#### POINT OF INQUIRY

Senator Brandland: "Would Senator Fraser yield to a question? Thank you Senator Fraser. I'm concerned here, I think I may have my bills mixed up. I'm just looking for clarification. I think that we also had a bill that was going to mandate the certification and it required our school districts to pay for training and that sort of thing. I'm wondering, oh, that is not this bill? I guess then, my question is, at this point, if we do implement standards, OSPI does implement standards and they pass those on to our school districts, will it then be their responsibility to make sure that their interpreters rise to this level of standard?"

Senator Fraser: "Senator, in response to your question, what this bill does is have the superintendent develop standards and, to the extent funds are appropriated in the budget, to consult with an advisory committee and then, with the amendment that was just adopted, they'd have to come back to the legislature before implementation."

Senator Mulliken spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Regala, Senator Jacobsen was excused.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6606.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6606 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Stevens and Swecker - 3

ENGROSSED SENATE BILL NO. 6606, having received the constitutional majority, was declared passed. There being no

objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6454, by Senators Mulliken, Pridemore, Fraser, Rockefeller, Franklin, Spanel, Shin and Roach

Providing annual increases in certain retirement allowances.

The measure was read the second time.

#### MOTION

On motion of Senator Mulliken, the rules were suspended, Senate Bill No. 6454 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6454.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6454 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Stevens and Swecker - 3

SENATE BILL NO. 6454, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6697, by Senators Berkey, Schmidt, Shin, Haugen, McAuliffe, Kohl-Welles and Rasmussen

Establishing technology priorities for institutions of higher education.

#### MOTIONS

On motion of Senator Berkey, Substitute Senate Bill No. 6697 was substituted for Senate Bill No. 6697 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Berkey, the rules were suspended, Substitute Senate Bill No. 6697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Berkey spoke in favor of passage of the bill.

#### MOTION

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On motion of Senator Schoesler, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6697.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6697 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Thibaudeau, Weinstein and Zarelli - 45

Excused: Senators Deccio, Parlette, Stevens and Swecker - 4

SUBSTITUTE SENATE BILL NO. 6697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6676, by Senators Roach, Kline, Mulliken, Fairley and Rasmussen

Prohibiting fraudulent transfers of motor vehicles. Revised for 1st Substitute: Prohibiting fraudulent filings of vehicle reports of sale.

MOTIONS

On motion of Senator Roach, Substitute Senate Bill No. 6676 was substituted for Senate Bill No. 6676 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Roach, the rules were suspended, Substitute Senate Bill No. 6676 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Roach and Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6676.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6676 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 2; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

Voting nay: Senators Honeyford and Mulliken - 2

Excused: Senators Deccio and Parlette - 2  
 SUBSTITUTE SENATE BILL NO. 6676, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6723, by Senators Eide, Delvin, Keiser, Kohl-Welles and Rasmussen

Determining the retirement allowance of a member who is killed in the course of employment.

The measure was read the second time.

MOTION

On motion of Senator Eide, the rules were suspended, Senate Bill No. 6723 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Eide spoke in favor of final passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6723.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6723 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6861, by Senators Delvin, Poulsen, Mulliken, Morton and Honeyford

Requiring a study of competing interests of domestic water users.

The measure was read the second time.

MOTION

On motion of Senator Delvin, the rules were suspended, Senate Bill No. 6861 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Delvin, Poulsen and Honeyford spoke in favor of passage of the bill.

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The President declared the question before the Senate to be the final passage of Senate Bill No. 6861.

## SECOND READING

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6861 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6861, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6171, by Senators McAuliffe, Schmidt, Rasmussen and Kohl-Welles

Creating a demonstration project to help prepare bilingual and special education teachers.

## MOTIONS

On motion of Senator McAuliffe, Substitute Senate Bill No. 6171 was substituted for Senate Bill No. 6171 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator McAuliffe, the rules were suspended, Substitute Senate Bill No. 6171 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe, Schmidt and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6171.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6171 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SUBSTITUTE SENATE BILL NO. 6171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 6415, by Senators Pridemore, McAuliffe, Mulliken and Kohl-Welles

Allowing interpreters to assist hearing impaired persons during driver's license examinations.

The measure was read the second time.

## MOTION

On motion of Senator Pridemore, the rules were suspended, Senate Bill No. 6415 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Pridemore and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6415.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6415 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Parlette - 2

SENATE BILL NO. 6415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6473, by Senators Poulsen, Morton and Rockefeller

Eliminating the requirement that telecommunications companies file price lists.

## MOTIONS

On motion of Senator Poulsen, Substitute Senate Bill No. 6473 was substituted for Senate Bill No. 6473 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Poulsen, the rules were suspended, Substitute Senate Bill No. 6473 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Poulsen and Morton spoke in favor of passage of the bill.

## MOTION

On motion of Senator Schoesler, Senator Carrell was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6473.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6473 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Carrell and Deccio - 2

SUBSTITUTE SENATE BILL NO. 6473, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6504, by Senators Berkey and Mulliken

Prohibiting public hospital district employees from serving as commissioners.

The measure was read the second time.

MOTION

On motion of Senator Berkey, the rules were suspended, Senate Bill No. 6504 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Berkey and Roach spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6504.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6504 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Carrell and Deccio - 2

SENATE BILL NO. 6504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6660, by Senator Spanel

Implementing the compensation and fringe benefit provisions in the master collective bargaining agreement.

MOTION

On motion of Senator Spanel, Substitute Senate Bill No. 6660 was substituted for Senate Bill No. 6660 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Spanel moved that the following striking amendment by Senators Spanel and Kohl-Welles be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 41.80.010 and 2002 c 354 s 302 are each amended to read as follows:

(1) For the purpose of negotiating collective bargaining agreements under this chapter, the employer shall be represented by the governor or governor's designee, except as provided for institutions of higher education in subsection ((4)) (5) of this section.

(2)(a) If an exclusive bargaining representative represents more than one bargaining unit, the exclusive bargaining representative shall negotiate with each employer representative as designated in subsection (1) of this section one master collective bargaining agreement on behalf of all the employees in bargaining units that the exclusive bargaining representative represents. For those exclusive bargaining representatives who represent fewer than a total of five hundred employees each, negotiation shall be by a coalition of all those exclusive bargaining representatives. The coalition shall bargain for a master collective bargaining agreement covering all of the employees represented by the coalition. The governor's designee and the exclusive bargaining representative or representatives are authorized to enter into supplemental bargaining of agency-specific issues for inclusion in or as an addendum to the master collective bargaining agreement, subject to the parties' agreement regarding the issues and procedures for supplemental bargaining. This section does not prohibit cooperation and coordination of bargaining between two or more exclusive bargaining representatives.

(b) This subsection (2) does not apply to exclusive bargaining representatives who represent employees of institutions of higher education, except when the institution of higher education has elected to exercise its option under subsection ((4)) (5) of this section to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1) through (3) of this section.

(c) If five hundred or more employees of an independent state elected official listed in RCW 43.01.010 are organized in a bargaining unit or bargaining units under RCW 41.80.070, the official shall be consulted by the governor or the governor's designee before any agreement is reached under (a) of this subsection concerning supplemental bargaining of agency specific issues affecting the employees in such bargaining unit.

(3) The governor shall submit a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement or for legislation necessary to implement the agreement. Except under subsection (5)(b) of this section, requests for funds necessary to implement the provisions of bargaining agreements shall not be submitted to the legislature by the governor unless such requests:

(a) Have been submitted to the director of the office of financial management by October 1 prior to the legislative session at which the requests are to be considered; and

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(b) Have been certified by the director of the office of financial management as being feasible financially for the state.

(4) The legislature shall approve or reject the submission of the request for funds as a whole. The legislature shall not consider a request for funds to implement a collective bargaining agreement unless the request is transmitted to the legislature as part of the governor's budget document submitted under RCW 43.88.030 and 43.88.060. If the legislature rejects or fails to act on the submission, either party may reopen all or part of the agreement or the exclusive bargaining representative may seek to implement the procedures provided for in RCW 41.80.090.

((4)) (5)(a) For the purpose of negotiating agreements for institutions of higher education, the employer shall be the respective governing board of each of the universities, colleges, or community and technical colleges or a designee chosen by the board to negotiate on its behalf. A governing board may elect to have its negotiations conducted by the governor or governor's designee under the procedures provided for general government agencies in subsections (1), (2), and (3) of this section. Prior to entering into negotiations under this chapter, the institutions of higher education or their designees shall consult with the director of the office of financial management regarding financial and budgetary issues that are likely to arise in the impending negotiations. If appropriations are necessary to implement the compensation and fringe benefit provisions of the bargaining agreements reached between institutions of higher education and exclusive bargaining representatives agreed to under the provisions of this chapter, the governor shall submit a request for such funds to the legislature according to the provisions of subsection (3) of this section.

((5)) (b) The October 1st deadline under subsection (3)(a) of this section is suspended, however, if one or both of the parties to an agreement make application before that date to the commission for appointment of a mediator to assist in the resolution of differences that occur during the negotiation of an agreement for compensation and fringe benefits, or if the parties are engaged in the fact-finding process provided for in RCW 41.80.090. If the October 1st deadline is suspended, a request for funds necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreement shall not be submitted by the governor to the legislature unless:

(i) An agreement is reached by November 15th preceding the legislative session at which the requests are to be considered on the compensation and fringe benefit provisions in the master collective bargaining agreement;

(ii) Such requests have been submitted to the director of financial management; and

(iii) Such requests have been certified by the director of the office of financial management as being feasible financially for the state.

(6) There is hereby created a joint committee on employment relations, which consists of two members with leadership positions in the house of representatives, representing each of the two largest caucuses; the chair and ranking minority member of the house appropriations committee, or its successor, representing each of the two largest caucuses; two members with leadership positions in the senate, representing each of the two largest caucuses; and the chair and ranking minority member of the senate ways and means committee, or its successor, representing each of the two largest caucuses. The governor shall periodically consult with the committee regarding appropriations necessary to implement the compensation and fringe benefit provisions in the master collective bargaining agreements, and upon completion of negotiations, advise the committee on the elements of the agreements and on any legislation necessary to implement the agreements.

((6)) (7) If, after the compensation and fringe benefit provisions of an agreement are approved by the legislature, a significant revenue shortfall occurs resulting in reduced appropriations, as declared by proclamation of the governor or

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by resolution of the legislature, both parties shall immediately enter into collective bargaining for a mutually agreed upon modification of the agreement.

((7)) (8) After the expiration date of a collective bargaining agreement negotiated under this chapter, all of the terms and conditions specified in the collective bargaining agreement remain in effect until the effective date of a subsequently negotiated agreement, not to exceed one year from the expiration date stated in the agreement. Thereafter, the employer may unilaterally implement according to law."

Senator Spanel spoke in favor of adoption of the striking amendment.

## MOTION

On motion of Senator Brandland, Senator Parlette was excused.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Spanel and Kohl-Welles to Substitute Senate Bill No. 6660.

The motion by Senator Spanel carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "agreement;" strike the remainder of the title and insert "and amending RCW 41.80.010."

## MOTION

On motion of Senator Spanel, the rules were suspended, Engrossed Substitute Senate Bill No. 6660 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Spanel spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6660.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6660 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Carrell, Deccio and Parlette - 3

ENGROSSED SUBSTITUTE SENATE BILL NO. 6660, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6840, by Senators Morton and Poulsen

Modifying energy efficiency provisions.

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MOTIONS

On motion of Senator Morton, Substitute Senate Bill No. 6840 was substituted for Senate Bill No. 6840 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Morton, the rules were suspended, Substitute Senate Bill No. 6840 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton and Poulsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6840.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6840 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6851, by Senators Prentice and Fairley

Revising provisions concerning closure of mobile home parks and manufactured housing communities.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6851 was substituted for Senate Bill No. 6851 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6851 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6851.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6851 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 2; Excused, 1.

Voting yea: Senators Benson, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner,

Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau and Weinstein - 46

Absent: Senators Benton and Zarelli - 2

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Senator Eide, the Senate advanced to the seventh order of business.

MOTION

On motion of Senator Shin, the rules were suspended, Senate Bill No. 5609 was returned to second reading for the purpose of amendment.

SECOND READING

SENATE BILL NO. 5609, by Senators Shin, Mulliken, Keiser, Carrell, Kohl-Welles and Benson

Increasing the operating fee waiver authority for Central Washington University.

The measure was read the second time.

MOTION

Senator Shin moved that the following striking amendment by Senator Shin be adopted:

Strike everything after the enacting clause and insert the following:

"Sec. 1. RCW 28B.15.910 and 2005 c 249 s 3 are each amended to read as follows:

(1) For the purpose of providing state general fund support to public institutions of higher education, except for revenue waived under programs listed in subsections (3) and (4) of this section, and unless otherwise expressly provided in the omnibus state appropriations act, the total amount of operating fees revenue waived, exempted, or reduced by a state university, a regional university, The Evergreen State College, or the community colleges as a whole, shall not exceed the percentage of total gross authorized operating fees revenue in this subsection. As used in this section, "gross authorized operating fees revenue" means the estimated gross operating fees revenue as estimated under RCW 82.33.020 or as revised by the office of financial management, before granting any waivers. This limitation applies to all tuition waiver programs established before or after July 1, 1992.

- (a) University of Washington 21 percent
- (b) Washington State University 20 percent
- (c) Eastern Washington University 11 percent
- (d) Central Washington University ((8)) 11 percent
- (e) Western Washington University 10 percent
- (f) The Evergreen State College 6 percent
- (g) Community colleges as a whole 35 percent

(2) The limitations in subsection (1) of this section apply to waivers, exemptions, or reductions in operating fees contained in the following:

- (a) RCW 28B.15.014;
- (b) RCW 28B.15.100;
- (c) RCW 28B.15.225;
- (d) RCW 28B.15.380;
- (e) RCW 28B.15.520;
- (f) RCW 28B.15.526;
- (g) RCW 28B.15.527;
- (h) RCW 28B.15.543;
- (i) RCW 28B.15.545;
- (j) RCW 28B.15.555;
- (k) RCW 28B.15.556;
- (l) RCW 28B.15.615;
- (m) RCW 28B.15.730;
- (n) RCW 28B.15.740;
- (o) RCW 28B.15.750;
- (p) RCW 28B.15.756;
- (q) RCW 28B.50.259;
- (r) RCW 28B.70.050; and
- (s) RCW 28B.15.621(2).

(3) The limitations in subsection (1) of this section do not apply to waivers, exemptions, or reductions in services and activities fees contained in the following:

- (a) RCW 28B.15.522;
- (b) RCW 28B.15.540; and
- (c) RCW 28B.15.558.

(4) The total amount of operating fees revenue waived, exempted, or reduced by institutions of higher education participating in the western interstate commission for higher education western undergraduate exchange program under RCW 28B.15.544 shall not exceed the percentage of total gross authorized operating fees revenue in this subsection.

- (a) Washington State University 1 percent
- (b) Eastern Washington University 3 percent
- (c) Central Washington University 3 percent

**NEW SECTION. Sec. 2.** This act takes effect July 1, 2007."

Senator Shin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senator Shin to Senate Bill No. 5609.

The motion by Senator Shin carried and the striking amendment was adopted by voice vote.

**MOTION**

There being no objection, the following title amendment was adopted:

On page 1, beginning on line 2 of the title, after "University;" strike the remainder of the title and insert "amending RCW 28B.15.910; and providing an effective date."

**MOTION**

On motion of Senator Shin, the rules were suspended, Engrossed Senate Bill No. 5609 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Shin and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 5609.

**ROLL CALL**

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 5609 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused,

1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 5609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

**PERSONAL PRIVILEGE**

Senator McCaslin: "A few minutes ago I had a conversation with Senator Deccio and he's doing fine. He needs a couple more tests this week and he'll be back with a smile. I was very happy to hear that."

**REMARKS BY THE PRESIDENT**

President Owen: "Senator McCaslin, if I might, my wife did make special cookies at your request for you and Senator Deccio, which I see Senator Brandland is scoping out right now. I would respectfully request that you do allow those cookies to stay there til he get's back."

**PERSONAL PRIVILEGE**

Senator McCaslin: "Mr. President, you have my word as a state senator. Where are they?"

**MOTION**

On motion of Senator Eide, the Senate reverted to the fourth order of business.

**MESSAGE FROM THE HOUSE**

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
 SUBSTITUTE HOUSE BILL NO. 2987  
 and the same is herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

**MESSAGE FROM THE HOUSE**

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill{s):  
 SUBSTITUTE HOUSE BILL NO. 2325  
 SUBSTITUTE HOUSE BILL NO. 2345  
 HOUSE BILL NO. 2632  
 SUBSTITUTE HOUSE BILL NO. 2759  
 SUBSTITUTE HOUSE BILL NO. 2780  
 SUBSTITUTE HOUSE BILL NO. 2804  
 SUBSTITUTE HOUSE BILL NO. 2833

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 SECOND SUBSTITUTE HOUSE BILL NO. 2912  
 HOUSE BILL NO. 3106  
 HOUSE BILL NO. 3156  
 HOUSE JOINT MEMORIAL NO. 4031  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MESSAGE FROM THE HOUSE

February 13, 2006

MR. PRESIDENT:

The House has passed the following bill{s}:  
 SUBSTITUTE HOUSE BILL NO. 2471  
 SUBSTITUTE HOUSE BILL NO. 2553  
 SUBSTITUTE HOUSE BILL NO. 2776  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2842  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2848  
 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860  
 SUBSTITUTE HOUSE BILL NO. 2863  
 SUBSTITUTE HOUSE BILL NO. 2898  
 SECOND SUBSTITUTE HOUSE BILL NO. 2914  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 2942  
 HOUSE BILL NO. 3122  
 HOUSE BILL NO. 3157  
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 3207  
 and the same are herewith transmitted.

RICHARD NAFZIGER, Chief Clerk

MOTION

On motion of Senator Eide, the Senate advanced to the fifth order of business.

SUPPLEMENTAL INTRODUCTION AND FIRST READING

E2SHB 2860 by House Committee on Capital Budget (originally sponsored by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune)

AN ACT Relating to water resource management in the Columbia river basin; amending 2005 c 488 s 332 (uncodified); reenacting and amending RCW 43.84.092; adding a new chapter to Title 90 RCW; creating a new section; making appropriations; providing an effective date; and providing an expiration date.

MOTION

On motion of Senator Eide, the rules were suspended and Engrossed Second Substitute House Bill No. 2860 was placed on the second reading calendar.

MOTION

On motion of Senator Eide, the Senate advanced to the sixth order of business.

SECOND READING

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 ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, by House Committee on Capital Budget (originally sponsored by Representatives Grant, Newhouse, Hankins, Haler, Walsh and McCune)

Regarding water resource management in the Columbia river basin.

The measure was read the second time.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Second Substitute House Bill No. 2860 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Morton, Pridemore, Hewitt, Rasmussen, Mulliken, Parlette, Shin, Rockefeller, Honeyford, Poulsen, Kastama and Franklin spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Second Substitute House Bill No. 2860.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute House Bill No. 2860 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 2860, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6151, by Senators Schoesler, Poulsen, Mulliken, Rasmussen, Jacobsen, Morton and Delvin

Protecting aquifer levels.

MOTION

On motion of Senator Poulsen, Substitute Senate Bill No. 6151 was substituted for Senate Bill No. 6151 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Poulsen be adopted.

On page 2, beginning on line 29, after "90.44.510." strike all material through "right." on line 34

Senator Schoesler spoke in favor of adoption of the amendment.

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The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Poulsen on page 2, line 29 to Substitute Senate Bill No. 6151.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Spanel, Senator Haugen was excused.

MOTION

On motion of Senator Poulsen, the rules were suspended, Engrossed Substitute Senate Bill No. 6151 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6151.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6151 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator McCaslin - 1

Excused: Senators Deccio and Haugen - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6151, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:25 p.m., on motion of Senator Eide, the Senate was declared to be at ease subject to the call of the President.

AFTERNOON SESSION

The Senate was called to order at 1:30 p.m. by President Owen.

SECOND READING

SENATE BILL NO. 6613, by Senators Prentice, Keiser, Kline, Rasmussen and Shin

Prohibiting internet gambling.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 6613 was substituted for Senate Bill No. 6613 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 6613 was advanced to third reading,

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the second reading considered the third and the bill was placed on final passage.

Senator Prentice spoke in favor of passage of the bill.

MOTION

On motion of Senator Schoesler, Senators Swecker, Honeyford, Stevens and Hewitt were excused.

MOTION

On motion of Senator Regala, Senator Poulsen was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6613.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6613 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 0; Absent, 2; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Thibaudeau, Weinstein and Zarelli - 44

Absent: Senators Doumit and Kline - 2

Excused: Senators Deccio, Poulsen and Swecker - 3

SUBSTITUTE SENATE BILL NO. 6613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5141, by Senators Rasmussen, Schmidt, McAuliffe, Delvin, Rockefeller, Shin, Weinstein, Berkey, Pflug, Kohl-Welles, Hargrove, Kline, Regala, Thibaudeau and Spanel

Providing for early intervention services for children with disabilities.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 5141 was substituted for Senate Bill No. 5141 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Rasmussen, the rules were suspended, Substitute Senate Bill No. 5141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rasmussen spoke in favor of passage of the bill.

MOTION

On motion of Senator Weinstein, Senators Doumit and Kline were excused.

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The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5141.

objection, the title of the bill was ordered to stand as the title of the act.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

SENATE BILL NO. 6201, by Senator Fairley

Creating a homeowners' association act committee.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6201 was substituted for Senate Bill No. 6201 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6201 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Excused: Senators Deccio, Doumit and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 5141, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Senators Fairley and Benson spoke in favor of passage of the bill.

MOTION

MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

On motion of Senator Oke, Senator Morton was excused.

SECOND READING

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6201.

SENATE BILL NO. 6141, by Senator Honeyford

ROLL CALL

Including the value of wind turbine facilities in the property tax levy limit calculation.

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6201 and the bill passed the Senate by the following vote: Yeas, 45; Nays, 0; Absent, 0; Excused, 4.

MOTIONS

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 45

On motion of Senator Honeyford, Substitute Senate Bill No. 6141 was substituted for Senate Bill No. 6141 and the substitute bill was placed on the second reading and read the second time.

Excused: Senators Deccio, Doumit, Morton and Poulsen - 4  
SUBSTITUTE SENATE BILL NO. 6201, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Senator Honeyford, the rules were suspended, Substitute Senate Bill No. 6141 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Honeyford spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6141.

ROLL CALL

SECOND READING

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6141 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

SENATE BILL NO. 6376, by Senators Rasmussen, Honeyford, Jacobsen, Shin, Morton and Delvin

Changing livestock inspection fee provisions.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

The measure was read the second time.

MOTION

Senator Rasmussen moved that the following amendment by Senator Rasmussen be adopted.

On page 2, line 1, after "inspection" insert "fee"

Senator Rasmussen spoke in favor of adoption of the amendment.

Excused: Senators Deccio, Doumit and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 6141, having received the constitutional majority, was declared passed. There being no

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The President declared the question before the Senate to be the adoption of the amendment by Senator Rasmussen on page 2, line 1 to Senate Bill No. 6376.

The motion by Senator Rasmussen carried and the amendment was adopted by voice vote.

#### MOTION

Senator Schoesler moved that the following amendment by Senators Schoesler and Rasmussen be adopted.

On page 3, after line 3, insert the following:

"**Sec. 3.** RCW 16.57.160 and 2003 c 326 s 18 are each amended to read as follows:

The director may adopt rules:

(1) Designating any point for mandatory inspection of cattle or horses or the furnishing of proof that cattle or horses passing or being transported through the point have been inspected or identified and are lawfully being transported;

(2) Providing for self-inspection of (~~fifteen~~) twenty-five head or less of cattle;

(3) Providing for issuance of individual horse and cattle identification certificates or other means of horse and cattle identification; and

(4) Designating the documents that constitute other satisfactory proof of ownership for cattle and horses. A bill of sale may not be designated as documenting satisfactory proof of ownership for cattle."

Renumber the remaining section accordingly.

Senator Schoesler spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Schoesler and Rasmussen on page 3, line 3 to Engrossed Senate Bill No. 6376.

The motion by Senator Schoesler carried and the amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "16.57.220" strike "and 16.58.130" and insert ", 16.58.130, and 16.57.160"

#### MOTION

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 6376 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Rasmussen and Schoesler spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6376.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6376 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt,

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Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Morton and Poulsen - 3

ENGROSSED SENATE BILL NO. 6376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6527, by Senators Jacobsen, Mulliken, Haugen and Sheldon

Extending the negotiation period for the Milwaukee Road trail.

#### MOTIONS

On motion of Senator Jacobsen, Substitute Senate Bill No. 6527 was substituted for Senate Bill No. 6527 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6527 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Jacobsen, Benson and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6527.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6527 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 0; Excused, 3.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Excused: Senators Deccio, Morton and Poulsen - 3

SUBSTITUTE SENATE BILL NO. 6527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6625, by Senators Parlette and Fraser

Concerning the management of public lands.

#### MOTIONS

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On motion of Senator Jacobsen, Substitute Senate Bill No. 6625 was substituted for Senate Bill No. 6625 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Jacobsen, the rules were suspended, Substitute Senate Bill No. 6625 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette and Jacobsen spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6625.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6625 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Morton - 2

SUBSTITUTE SENATE BILL NO. 6625, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6656, by Senators Kastama, Mulliken and Rasmussen

Revising snowmobile operation provisions.

The measure was read the second time.

MOTION

On motion of Senator Kastama, the rules were suspended, Senate Bill No. 6656 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kastama and Mulliken spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6656.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6656 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Mulliken, Oke, Parlette, Pflug,

Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Morton - 2

SENATE BILL NO. 6656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 6740, by Senators Fraser, Kohl-Welles, Fairley, Keiser and Franklin

Protecting homeowners who hire contractors to remodel or build their homes.

MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6740 was substituted for Senate Bill No. 6740 and the substitute bill was placed on the second reading and read the second time.

MOTION

Senator Hargrove moved that the following striking amendment by Senators Hargrove and Fraser be adopted:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that the vast majority of contractors engaged in the business of constructing or remodeling owner-occupied single-family homes are both technically proficient in their trade and able to manage their business dealings in accordance with the highest standards. The legislature also finds, however, that in those relatively few, but all-too-frequent, instances where prime contractors on such construction or remodeling projects intentionally, negligently, or unintentionally divert payments received from homeowners that are intended for subcontractors, suppliers, and others, existing provisions are inadequate to protect homeowners. Additionally, the toll on an individual homeowner's personal economic and emotional condition that such financial mismanagement by this small fraction of prime contractors is not adequately balanced against the responsibilities, obligations, and possible penalties that contractors bear for such mismanagement. Consequently, the legislature finds that it is necessary to (1) raise awareness about the harm that can be caused when those relatively few unscrupulous contractors divert homeowner payments that are intended to pay subcontractors and suppliers; (2) increase awareness by homeowners to the potential for liens against their residence if contractors fail to pay suppliers and subcontractors as promised; and (3) increase opportunities for homeowners to become better educated about ways to protect themselves from financial mismanagement by those few contractors who are unable or unwilling to meet the financial management standards set by the vast majority of residential contractors in this state.

Sec. 2. RCW 60.04.091 and 1992 c 126 s 7 are each amended to read as follows:

Every person claiming a lien under RCW 60.04.021 shall file for recording, in the county where the subject property is located, a notice of claim of lien not later than ninety days after the person has ceased to furnish labor, professional services, materials, or equipment or the last date on which employee benefit contributions were due.

(1) The notice of claim of lien(~~(~~  
~~—(+)~~) shall state in substance and effect:

(a) The name, (~~phone~~) telephone number, and address of the claimant;

(b) The first ~~(and)~~ date on which the claimant began to perform labor, provide professional services, or supply material or equipment or the first date on which employee benefits became due;

~~(c)~~ The last date on which the labor, professional services, materials, or equipment was furnished or employee benefit contributions were due;

~~((e))~~ (d) The name of the person indebted to the claimant;

~~((d))~~ (e) The street address, legal description, or other description reasonably calculated to identify, for a person familiar with the area, the location of the real property to be charged with the lien;

~~((e))~~ (f) The name of the owner or reputed owner of the property, if known, and, if not known, that fact shall be stated;

~~(and)~~ (g) The principal amount for which the lien is claimed, excluding any interest, late fees, costs, attorneys' fees, or similar charges; and

(h) Whether the claimant is the assignee of the claim.

(2) The notice of claim of lien shall be signed by the claimant or some person authorized to act on his or her behalf who shall affirmatively state they have read or heard and understand the notice of claim of lien ~~((and))~~, believe the ~~((notice of claim of lien))~~ contents to be true and correct, and the lien is not frivolous and is not clearly excessive, under penalty of perjury, and shall be acknowledged as set forth in the form below, or pursuant to chapter 64.08 RCW. If the lien has been assigned, the name of the assignee shall be stated. Where an action to foreclose the lien has been commenced such notice of claim of lien may be amended as pleadings may be by order of the court insofar as the interests of third parties are not adversely affected by such amendment. A claim of lien substantially in the following form shall be sufficient:

CLAIM OF LIEN

....., claimant, vs ....., name of person indebted to claimant: Notice is hereby given that the person named below claims a lien pursuant to chapter ~~((64.04))~~ 60.04 RCW. In support of this lien the following information is submitted:

1. NAME OF LIEN CLAIMANT: .....

TELEPHONE NUMBER: .....

ADDRESS: .....

2. DATE ON WHICH THE CLAIMANT BEGAN TO PERFORM LABOR, PROVIDE PROFESSIONAL SERVICES, SUPPLY MATERIAL OR EQUIPMENT OR THE DATE ON WHICH EMPLOYEE BENEFIT CONTRIBUTIONS BECAME DUE: .....

3. NAME OF PERSON INDEBTED TO THE CLAIMANT: .....

4. DESCRIPTION OF THE PROPERTY AGAINST WHICH A LIEN IS CLAIMED (Street address, legal description or other information that will reasonably describe the property): .....

5. NAME OF THE OWNER OR REPUTED OWNER (If not known state "unknown"): .....

6. THE LAST DATE ON WHICH LABOR WAS PERFORMED; PROFESSIONAL SERVICES WERE FURNISHED; CONTRIBUTIONS TO AN EMPLOYEE BENEFIT PLAN WERE DUE; OR MATERIAL, OR EQUIPMENT WAS FURNISHED: .....

7. PRINCIPAL AMOUNT FOR WHICH THE LIEN IS CLAIMED IS: .....

8. IF THE CLAIMANT IS THE ASSIGNEE OF THIS CLAIM SO STATE HERE: .....

....., Claimant

(Phone number, address, city, and

state of claimant)

STATE OF WASHINGTON, COUNTY OF

....., ss.

....., being sworn, says: I am the claimant (or attorney of the claimant, or administrator, representative, or agent of the trustees of an employee benefit plan) above named; I have read or heard and understand the foregoing claim, read and know the contents thereof, and believe the same to be true and correct and that the claim of lien is not frivolous and is made with reasonable cause, and is not clearly excessive under penalty of perjury.

Subscribed and sworn to before me this ... day of .....

ADVISORY NOTICE TO PARTY RECEIVING THIS LIEN CLAIM

1. You are advised to consult with an attorney immediately and before making any payment to the lien claimant in order to help determine the validity of the claim.

2. One of the things you should discuss with your attorney is whether the claim was filed in time. As a general rule, a lien claim filed more than ninety days after the lien claimant stopped working on your project cannot be enforced under state law, RCW 60.04.091.

3. Another timing issue you should discuss with your attorney is whether you received proper notice. Under the same state law, the lien claimant cannot be awarded certain fees and costs unless you were served or received this lien claim notice by certified or registered mail within fourteen days of when the lien claim was filed with the court.

(3) The period provided for recording the claim of lien is a period of limitation and no action to foreclose a lien shall be maintained unless the claim of lien is filed for recording within the ninety-day period stated. The lien claimant shall give a copy of the claim of lien to the owner or reputed owner by mailing it by certified or registered mail or by personal service within fourteen days of the time the claim of lien is filed for recording. Failure to do so results in a forfeiture of any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

(4) A lien claimant that, for any reason, includes any interest, late fee, cost, attorneys' fees, or similar charges as part of the principal amount for which the lien is claimed shall be deemed to have waived any right under contract or otherwise to such charges, and shall also forfeit any right the claimant may have to attorneys' fees and costs against the owner under RCW 60.04.181.

Sec. 3. RCW 60.04.250 and 1990 c 81 s 1 are each amended to read as follows:

The department of labor and industries shall prepare master documents that provide informational material about:

(1) Construction lien laws and available safeguards against real property lien claims. The material shall include methods of protection against lien claims, including obtaining lien release documents, performance bonds, joint payee checks, the

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opportunity to require contractor disclosure of all potential lien claimants as a condition of payment, and lender supervision under (~~RCW 60.04.200 and 60.04.210~~) this chapter. The material shall also include sources of further information, including the department of labor and industries and the office of the attorney general.

(2) The basics of lien law relating to owner-occupied residential improvements and new construction projects, including a list of available safeguards against real property lien claims. Before any building permit may be issued for (a) the construction of a new owner-occupied single-family residence; or (b) the improvement to an owner-occupied single-family residence for an amount in excess of one thousand dollars, if the construction will involve the services of a prime residential contractor, the permit-issuing agency shall provide the homeowner with a copy of the document described in this section. The document shall be deemed timely provided if the permit-issuing agency does any one of the following within fourteen days of receipt of the permit application:

- (i) Personally delivers the document to the homeowner;
- (ii) Places the document in United States mail, regular postage prepaid and addressed to the homeowner; or
- (iii) Otherwise provides the document to the homeowner through an agent who is not the prime residential contractor or any employee, owner, or agent of the prime residential contractor.

Failure to timely provide the document to the homeowner does not affect, alter, or delay the processing or completeness of the permit application or subject the permit-issuing agency to any penalty or liability. The document shall be in substantially the following form and shall also include information describing the scope and limits of state contractor bonding requirements, the provisions of this act, and the availability of further information, including the department of labor and industries and the office of the attorney general.

Dear Homeowner:

Before any permit can be issued, you must file with this agency the attached document acknowledging that you have received and read this form. You should also review the items below and carefully consider what protection, if any, you want against potential lien claims on your property as a result of the construction work for which you are contracting. If your contractor fails to pay subcontractors, suppliers, or laborers or neglects to make other legally required payments, those who are owed money can file a lien against your property for payment, even if you have paid your contractor in full. Anyone filing a valid lien claim may force the sale of your property to recover the unpaid amount. This is true if you have hired a contractor to build a new home or are buying a newly built home. It is also true when you remodel or improve your property.

People who supply materials or labor ordered by your contractor are permitted by law to file a lien only if they do so within ninety days of cessation of performance or delivery of materials. The time frame is spelled out in RCW 60.04.091.

If you enter into a contract to buy a newly built home, you may not receive a notice of a lien based on a claim by a contractor or material handler. Be aware that a lien may be claimed even though you have not received a notice. Before making final payment on the project, obtain a completed lien release form from each contractor and material supplier. A sample of this release of lien form is available from the department of labor and industries, contractor registration section.

You have final responsibility for seeing that all bills are paid even if you have paid your contractor in full.

If you are dealing with a lending institution, ask your loan officer what precautions the lending institution takes to verify that subcontractors and material suppliers are being paid when mortgage money is paid to your contractor. You may want to

request lender supervision if your lending institution is providing interim or construction financing.

If you receive a notice to enforce a lien, take the notice seriously. Let your contractor know you have received the notice. Find out what arrangements are being made to pay the sender of the notice.

When in doubt, or if you need more details, consult your attorney. When and how to pay your contractor is a decision that requires serious consideration. Washington law, RCW 18.27.114, requires contractors to give you this disclosure statement if your contract exceeds one thousand dollars.

Below is a list of some alternatives about how you may want to protect yourself from possible lien claims on your property, and inform your contractor of your selections or discuss your selections with your contractor (select one):

..... issue checks made payable jointly, naming the contractor and the subcontractor or supplier as payees.

..... issue checks to the contractor and subcontractors in the amounts equal to the amounts for which lien releases that release all lien rights to those amounts, as provided by RCW 60.04.071, have been provided to me by each lien claimant requesting payment.

..... use an escrow agent to disburse construction funds and to protect my interests. (NOTE: Before making this selection, find out whether the escrow agent you plan to use will protect you against liens when disbursing payments. If you are interested in using this alternative, consult your attorney.)

..... insist that the contractor set up a trust account for all funds paid to this contractor, and the trust funds must be disbursed in accordance with our construction agreement to subcontractors and suppliers.

..... None of the above protections from potential lien claims against my property as a result of this construction work.

In addition to the above selection, consider whether to insist that the prime residential contractor is to disclose all potential lien claimants as a condition of payment. (NOTE: A lien claimant must, under RCW 60.04.091(2), mail by certified or registered mail or by personal service a copy of the claim of lien to the owner within fourteen days of the time the lien is recorded. While an action is ongoing, the law, RCW 60.04.151, allows an owner to withhold from this prime residential contractor the amount of money for which a claim is recorded by a subcontractor, supplier, or laborer.)

More information about contractors is available by visiting the department of labor and industries on the internet at [www.LNI.wa.gov/SCS/contractors/](http://www.LNI.wa.gov/SCS/contractors/) or by calling the contractor registration hotline at 1-800-647-0982. You may also call your local department of labor and industries office. See listings under "Washington, state of" in the government section or the white pages of the telephone book.

**Sec. 4.** RCW 60.04.031 and 1992 c 126 s 2 are each amended to read as follows:

(1) Except as otherwise provided in this section, every person furnishing professional services, materials, or equipment for the improvement of real property shall give the owner or reputed owner notice in writing of the right to claim a lien. If the prime contractor is in compliance with the requirements of RCW 19.27.095, 60.04.230, and 60.04.261, this notice shall also be given to the prime contractor as described in this subsection unless the potential lien claimant has contracted directly with the prime contractor. The notice may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after the date which is sixty days before:

(a) Mailing the notice by certified or registered mail to the owner or reputed owner; or

(b) Delivering or serving the notice personally upon the owner or reputed owner and obtaining evidence of delivery in the form of a receipt or other ((**acknowledgment**))

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acknowledgment signed by the owner or reputed owner or an affidavit of service.

(i) In the case of new construction of a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is ten days before the notice is given as described in this subsection.

(ii) In the case of the repair, alteration, or remodel of a single-family residence or garage appurtenant to a single-family residence, the notice of a right to claim a lien may be given at any time but only protects the right to claim a lien for professional services, materials, or equipment supplied after a date which is thirty days before the notice is given as described in this subsection.

(2) Notices of a right to claim a lien shall not be required of:

(a) Persons who contract directly with the owner or the owner's common law agent;

(b) Laborers whose claim of lien is based solely on performing labor; or

(c) Subcontractors who contract for the improvement of real property directly with the prime contractor, except as provided in subsection (3)((~~bb~~)) (a)(ii) of this section.

(3)(a) Persons who furnish professional services, materials, or equipment in connection with the new construction, repair, alteration, or remodel of ((~~an existing owner-occupied~~)) a single-family residence or appurtenant garage:

((~~aa~~)) (i) Who contract directly with the ((~~owner-occupier or their~~)) residential homeowner or the homeowner's common law agent shall not be required to send a written notice of the right to claim a lien and shall have a lien for the full amount due under their contract, as provided in RCW 60.04.021; or

((~~bb~~)) (ii) Who do not contract directly with the ((~~owner-occupier or their~~)) residential homeowner or the homeowner's common law agent shall give notice of the right to claim a lien to the ((~~owner-occupier~~)) homeowner.

(b) Claims of liens of persons furnishing professional services, materials, or equipment who do not contract directly with the ((~~owner-occupier~~)) homeowner or their common law agent ((~~may only be satisfied from~~)) for the construction, repair, alteration, or remodel of the homeowner's residence shall be dismissed if:

(i) The amounts ((~~not yet~~)) paid to the prime residential contractor by the owner at the time the notice described in this section is received equals or otherwise satisfies all amounts owed by the homeowner to all potential lien claimants, including the prime residential contractor, regardless of whether amounts ((~~not yet~~)) paid to the prime residential contractor are due; and

(ii) The homeowner notifies the potential lien claimant in writing that the lien is subject to dismissal pursuant to this subsection, and such notice is received by the potential lien claimant within thirty days of receipt of the notice provided by (a)(ii) of this subsection.

(c) For the purposes of this subsection "received" means actual receipt of notice by personal service, or registered or certified mail, or three days after mailing by registered or certified mail, excluding Saturdays, Sundays, or legal holidays.

(4) The notice of right to claim a lien described in subsection (1) of this section, shall include but not be limited to the following information and shall substantially be in the following form, using lower-case and upper-case ten-point type where appropriate.

NOTICE TO OWNER

IMPORTANT: READ BOTH SIDES OF THIS NOTICE CAREFULLY.

PROTECT YOURSELF FROM PAYING TWICE

To: .....Date: .....

Re:           (description of property: Street address or general location.)          

From: .....

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AT THE REQUEST OF:           (Name of person ordering the professional services, materials, or equipment)

THIS IS NOT A LIEN--THIS NOTICE IS MEANT TO PROVIDE YOU WITH INFORMATION NECESSARY TO PROPERLY MANAGE YOUR CONSTRUCTION PROJECT;

This notice is sent to you to tell you who is providing professional services, materials, or equipment for the improvement of your property and to advise you of the rights of these persons and your responsibilities. Also take note that laborers on your project may claim a lien without sending you a notice.

OWNER/OCCUPIER OF EXISTING RESIDENTIAL PROPERTY AND/OR NEW RESIDENTIAL PROPERTY

Under Washington law, those who furnish labor, professional services, materials, or equipment for the repair, remodel, or alteration of your owner-occupied principal residence and who are not paid, have a right to enforce their claim for payment against your property. This claim is known as a construction lien.

The law limits the amount that a lien claimant can claim against your property. ((~~Claims may only be made against that portion of the contract price you have not yet paid to your prime contractor as of the time this notice was given to you or three days after this notice was mailed to you.~~)) If the improvement to your property is new construction of a single-family residence or its appurtenant garage, a lien may be claimed for some or all professional services, materials, or equipment furnished after a date that is ten days before this notice was given to you or mailed to you. If the improvement to your property is the repair, alteration, or remodel of a single-family residence or its appurtenant garage, a lien may be claimed for some or all professional services, materials, or equipment furnished after a date that is thirty days before this notice was given to you or mailed to you. Review the back of this notice for more information and ways to avoid lien claims.

COMMERCIAL ((~~AND/OR NEW RESIDENTIAL~~)) PROPERTY

We have or will be providing professional services, materials, or equipment for the improvement of your commercial ((~~or new residential~~)) project. In the event you or your contractor fail to pay us, we may file a lien against your property. A lien may be claimed for all professional services, materials, or equipment furnished after a date that is sixty days before this notice was given to you or mailed to you((~~unless the improvement to your property is the construction of a new single-family residence; then ten days before this notice was given to you or mailed to you~~)).

Sender: .....

Address: .....

Telephone: .....

Brief description of professional services, materials, or equipment provided or to be provided: .....

IMPORTANT INFORMATION ON REVERSE SIDE

IMPORTANT INFORMATION FOR YOUR PROTECTION  
This notice is sent to inform you that we have or will provide professional services, materials, or equipment for the improvement of your property. We expect to be paid by the person who ordered our services, but if we are not paid, we have the right to enforce our claim by filing a construction lien against your property.

LEARN more about the lien laws and the meaning of this notice by discussing them with your contractor, suppliers, Department of Labor and Industries, the firm sending you this notice, your lender, or your attorney.

COMMON METHODS TO AVOID CONSTRUCTION LIENS: There are several methods available to protect your property from construction liens. The following are two of the more commonly used methods.

DUAL PAYCHECKS (Joint Checks): When paying your contractor for services or materials, you may make checks

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payable jointly to the contractor and the firms furnishing you this notice.

LIEN RELEASES: You may require your contractor to provide lien releases signed by all the suppliers and subcontractors from whom you have received this notice. If they cannot obtain lien releases because you have not paid them, you may use the dual payee check method to protect yourself.

YOU SHOULD TAKE APPROPRIATE STEPS TO PROTECT YOUR PROPERTY FROM LIENS.

YOUR PRIME CONTRACTOR AND YOUR CONSTRUCTION LENDER ARE REQUIRED BY LAW TO GIVE YOU WRITTEN INFORMATION ABOUT LIEN CLAIMS. IF YOU HAVE NOT RECEIVED IT, ASK THEM FOR IT.

\*\*\*\*\*

(5) Every potential lien claimant providing professional services where no improvement as defined in RCW 60.04.011(5) (a) or (b) has been commenced, and the professional services provided are not visible from an inspection of the real property may record in the real property records of the county where the property is located a notice which shall contain the professional service provider's name, address, telephone number, legal description of the property, the owner or reputed owner's name, and the general nature of the professional services provided. If such notice is not recorded, the lien claimed shall be subordinate to the interest of any subsequent mortgagee and invalid as to the interest of any subsequent purchaser if the mortgagee or purchaser acts in good faith and for a valuable consideration acquires an interest in the property prior to the commencement of an improvement as defined in RCW 60.04.011(5) (a) or (b) without notice of the professional services being provided. The notice described in this subsection shall be substantially in the following form:

NOTICE OF FURNISHING PROFESSIONAL SERVICES

That on the (day) day of (month and year), (name of provider) began providing professional services upon or for the improvement of real property legally described as follows:

[Legal Description is mandatory]

The general nature of the professional services provided is The owner or reputed owner of the real property is

.....

.....

(Signature)

.....

(Name of Claimant)

.....

(Street Address)

.....

(City, State, Zip Code)

.....

(Phone Number)

(6) A lien authorized by this chapter shall not be enforced unless the lien claimant has complied with the applicable provisions of this section.

Sec. 5. RCW 60.04.011 and 1992 c 126 s 1 are each amended to read as follows:

Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Construction agent" means any registered or licensed contractor, registered or licensed subcontractor, architect, engineer, or other person having charge of any improvement to real property, who shall be deemed the agent of the owner for the limited purpose of establishing the lien created by this chapter.

(2) "Contract price" means the amount, including overhead and profit, agreed upon by the contracting parties, or if no amount is agreed upon, then the customary and reasonable charge therefor, but in no case shall contract price include any amount payable under the contract, or otherwise, in the event of nonpayment or late payment.

(3) "Draws" means periodic disbursements of interim or construction financing by a lender.

(4) "Furnishing labor, professional services, materials, or equipment" means the performance of any labor or professional services, the contribution owed to any employee benefit plan on account of any labor, the provision of any supplies or materials, and the renting, leasing, or otherwise supplying of equipment for the improvement of real property.

(5) "Improvement" means: (a) Constructing, altering, repairing, remodeling, demolishing, clearing, grading, or filling in, of, to, or upon any real property or street or road in front of or adjoining the same; (b) planting of trees, vines, shrubs, plants, hedges, or lawns, or providing other landscaping materials on any real property; and (c) providing professional services upon real property or in preparation for or in conjunction with the intended activities in (a) or (b) of this subsection.

(6) "Interim or construction financing" means that portion of money secured by a mortgage, deed of trust, or other encumbrance to finance improvement of, or to real property, but does not include:

- (a) Funds to acquire real property;
(b) Funds to pay interest, insurance premiums, lease deposits, taxes, assessments, or prior encumbrances;
(c) Funds to pay loan, commitment, title, legal, closing, recording, or appraisal fees;
(d) Funds to pay other customary fees, which pursuant to agreement with the owner or borrower are to be paid by the lender from time to time;
(e) Funds to acquire personal property for which the potential lien claimant may not claim a lien pursuant to this chapter.

(7) "Labor" means exertion of the powers of body or mind performed at the site for compensation. "Labor" includes amounts due and owed to any employee benefit plan on account of such labor performed.

(8) "Mortgagee" means a person who has a valid mortgage of record or deed of trust of record securing a loan.

(9) "Owner-occupied" means a single-family residence occupied by the owner as his or her principal residence.

(10) "Payment bond" means a surety bond issued by a surety licensed to issue surety bonds in the state of Washington that confers upon potential claimants the rights of third party beneficiaries.

(11) "Potential lien claimant" means any person or entity entitled to assert lien rights under this chapter who has otherwise complied with the provisions of this chapter and is registered or licensed if required to be licensed or registered by the provisions of the laws of the state of Washington.

(12) "Prime contractor" includes all contractors, general contractors, and specialty contractors, as defined by chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who contract directly with a property owner or their common law agent to assume primary responsibility for the creation of an improvement to real property, and includes property owners or their common law agents who are contractors, general contractors, or specialty

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contractors as defined in chapter 18.27 or 19.28 RCW, or who are otherwise required to be registered or licensed by law, who offer to sell their property without occupying or using the structures, projects, developments, or improvements for more than one year.

(13) "Professional services" means surveying, establishing or marking the boundaries of, preparing maps, plans, or specifications for, or inspecting, testing, or otherwise performing any other architectural or engineering services for the improvement of real property.

(14) "Real property lender" means a bank, savings bank, savings and loan association, credit union, mortgage company, or other corporation, association, partnership, trust, or individual that makes loans secured by real property located in the state of Washington.

(15) "Residential homeowner" or "homeowner" means the same as the term is defined by RCW 18.27.010.

(16) "Site" means the real property which is or is to be improved.

~~((+6))~~ (17) "Subcontractor" means a general contractor or specialty contractor as defined by chapter 18.27 or 19.28 RCW, or who is otherwise required to be registered or licensed by law, who contracts for the improvement of real property with someone other than the owner of the property or their common law agent.

**Sec. 6.** RCW 18.27.010 and 2001 c 159 s 1 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1)(a) "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, provide construction consultation or management services, except as a licensed architect, for, develop, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof including the installation of doors, windows, carpeting or other floor covering, kitchen and bathroom cabinetry, fixtures, and built-in appliances, the erection of scaffolding or other structures or works in connection therewith or who installs or repairs roofing or siding, or who provides tree removal or trimming services; or, who, to do similar work upon his or her own property, employs members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein.

(b) "Contractor" includes any person, firm, corporation, or other entity covered by this subsection, whether or not registered as required under this chapter.

(c) A "contractor" is presumed to be a developer and prime residential contractor in business for another, and is not eligible for the exemption provided in RCW 18.27.090 (11) or (12), when the contractor owns and constructs, alters, repairs, or remodels one or more residential structures, and offers for sale or lease (i) more than two such structures in any twenty-four month period, or (ii) any such structure without occupying or using it for more than one year.

(d) Solely for the purposes of RCW 18.27.200 (2) and (3) and 18.27.340(3)(b), "contractor" includes any party that, in the pursuit of an independent business retains, for or on behalf of a residential homeowner, the services of a general contractor or specialty contractor to alter, repair, or improve an existing residential structure owned and occupied by the homeowner that has been damaged by an accident, fire, or weather-related or other natural event.

(2) "Department" means the department of labor and industries.

(3) "Director" means the director of the department of labor and industries or designated representative employed by the department.

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(4) "General contractor" means a contractor whose business operations (~~require~~) involve the use or supervision of more than ~~((two unrelated))~~ one building (~~((trades or crafts))~~ trade, craft, or contractor whose work the general contractor (~~shall~~) superintends or (~~do~~) does in whole or in part. "General contractor" (~~shall~~) does not include an individual who does all work personally without employees or other "specialty contractors" as defined in this section. The terms "general contractor," "developer," and "builder" are synonymous.

(5) "Partnership" means a business formed under Title 25 RCW.

(6) "Prime residential contractor" means a prime contractor, as defined in RCW 60.04.011, that is engaged in the business of constructing, altering, repairing, or remodeling single-family homes for residential homeowners.

(7) "Registration cancellation" means a written notice from the department that a contractor's action is in violation of this chapter and that the contractor's registration has been revoked.

~~((7))~~ (8) "Registration suspension" means a written notice from the department that a contractor's action is a violation of this chapter and that the contractor's registration has been suspended for a specified time, or until the contractor shows evidence of compliance with this chapter.

~~((8))~~ (9) "Residential homeowner" for the purposes of this chapter and chapter 64.04 RCW means an individual person or persons owning or leasing real property:

(a) Upon which one single-family residence is to be built and in which the owner or lessee intends to reside upon completion of any construction; or

(b) Upon which there is a single-family residence to which improvements are to be made and in which the owner or lessee intends to reside upon completion of any construction.

~~((9))~~ (10) "Specialty contractor" means a contractor whose operations do not (a) require or involve the use of any unrelated building trade, craft, or contractor; nor (b) fall within the definition of "general contractor".

~~((+0))~~ (11) "Unregistered contractor" means a person, firm, corporation, or other entity doing work as a contractor without being registered in compliance with this chapter. "Unregistered contractor" includes contractors whose registration is expired, revoked, or suspended. "Unregistered contractor" does not include a contractor who has maintained a valid bond and the insurance or assigned account required by RCW 18.27.050, and whose registration has lapsed for thirty or fewer days.

~~((+1))~~ (12) "Unsatisfied final judgment" means a judgment that has not been satisfied either through payment, court approved settlement, discharge in bankruptcy, or assignment under RCW 19.72.070.

~~((+2))~~ (13) "Verification" means the receipt and duplication by the city, town, or county of a contractor registration card that is current on its face, checking the department's contractor registration data base, or calling the department to confirm that the contractor is registered.

**Sec. 7.** RCW 18.27.020 and 1997 c 314 s 3 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a gross misdemeanor for any contractor to:

(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Use a false or expired registration number in purchasing or offering to purchase an advertisement for which a contractor registration number is required; ~~((or))~~

(d) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

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(e) Subcontract work to or employ an unregistered contractor.

(3) It is not unlawful for a general contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the general contractor or his or her representative has been notified in writing by the department of labor and industries that the contractor has become unregistered.

(4) All (~~misdemeanor~~) actions under this chapter shall be prosecuted in the county where the infraction occurs.

(5) A person is guilty of a separate gross misdemeanor for each day worked if, after the person receives a citation from the department, the person works while unregistered, or while his or her registration is suspended or revoked, or works under a registration issued to another contractor. A person is guilty of a separate gross misdemeanor for each worksite on which he or she violates subsection (2) of this section. Nothing in this subsection applies to a registered contractor.

(6) The director by rule shall establish a two-year audit and monitoring program for a contractor not registered under this chapter who becomes registered after receiving an infraction or conviction under this chapter as an unregistered contractor. The director shall notify the departments of revenue and employment security of the infractions or convictions and shall cooperate with these departments to determine whether any taxes or registration, license, or other fees or penalties are owed the state.

**Sec. 8.** RCW 18.27.030 and 2001 c 159 s 2 are each amended to read as follows:

(1) An applicant for registration as a contractor shall submit an application under oath upon a form to be prescribed by the director and which shall include the following information pertaining to the applicant:

(a) Employer social security number.

(b) Unified business identifier number, if required by the department of revenue.

(c) Evidence of workers' compensation coverage for the applicant's employees working in Washington, as follows:

(i) The applicant's industrial insurance account number issued by the department;

(ii) The applicant's self-insurer number issued by the department; or

(iii) For applicants domiciled in a state or province of Canada subject to an agreement entered into under RCW 51.12.120(7), as permitted by the agreement, filing a certificate of coverage issued by the agency that administers the workers' compensation law in the applicant's state or province of domicile certifying that the applicant has secured the payment of compensation under the other state's or province's workers' compensation law.

(d) Employment security department number.

(e) State excise tax registration number.

(f) Unified business identifier (UBI) account number may be substituted for the information required by (c) of this subsection if the applicant will not employ employees in Washington, and by (d) and (e) of this subsection.

(g) Type of contracting activity, whether a general or a specialty contractor and if the latter, the type of specialty, and whether the contractor engages or intends to engage in the new construction, repair, alteration, or remodel of the single-family residence or appurtenant garage of any residential homeowner.

(h) The name and address of each partner if the applicant is a firm or partnership, or the name and address of the owner if the applicant is an individual proprietorship, or the name and address of the corporate officers and statutory agent, if any, if the applicant is a corporation or the name and address of all members of other business entities.

(i) The information contained in such application is a matter of public record and open to public inspection.

(2) The department may verify the workers' compensation coverage information provided by the applicant under

subsection (1)(c) of this section, including but not limited to information regarding the coverage of an individual employee of the applicant. If coverage is provided under the laws of another state, the department may notify the other state that the applicant is employing employees in Washington.

(3)(a) The department shall deny an application for registration if: (i) The applicant has been previously performing work subject to this chapter as a sole proprietor, partnership, corporation, or other entity and the department has notice that the applicant has an unsatisfied final judgment against him or her in an action based on this chapter or the applicant owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; (ii) the applicant was a principal or officer of a partnership, corporation, or other entity that either has an unsatisfied final judgment against it in an action that was incurred for work performed subject to this chapter or owes the department money for penalties assessed or fees due under this chapter as a result of a final judgment; or (iii) the applicant does not have a valid unified business identifier number, if required by the department of revenue.

(b) The department shall suspend an active registration if (i) the department has notice that the registrant is a contractor or sole proprietor or a principal or officer of a registered contractor that has an unsatisfied final judgment against it for work within the scope of this chapter; or (ii) the applicant does not maintain a valid unified business identifier number, if required by the department of revenue.

(4) The department shall not deny an application or suspend a registration because of an unsatisfied final judgment if the applicant's or registrant's unsatisfied final judgment was determined by the director to be the result of the fraud or negligence of another party.

**Sec. 9.** RCW 18.27.040 and 2001 c 159 s 3 are each amended to read as follows:

(1) Each applicant shall file with the department a surety bond issued by a surety insurer who meets the requirements of chapter 48.28 RCW in the sum of twelve thousand dollars if the applicant is a general contractor and six thousand dollars if the applicant is a specialty contractor. If no valid bond is already on file with the department at the time the application is filed, a bond must accompany the registration application. The bond shall have the state of Washington named as obligee with good and sufficient surety in a form to be approved by the department. The bond shall be continuous and may be canceled by the surety upon the surety giving written notice to the director. A cancellation or revocation of the bond or withdrawal of the surety from the bond automatically suspends the registration issued to the registrant until a new bond or reinstatement notice has been filed and approved as provided in this section. The bond shall be conditioned that the applicant will pay all persons performing labor, including employee benefits, for the contractor, will pay all taxes and contributions due to the state of Washington, and will pay all persons furnishing labor or material or renting or supplying equipment to the contractor and will pay all amounts that may be adjudged against the contractor by reason of breach of contract including negligent or improper work in the conduct of the contracting business. A change in the name of a business or a change in the type of business entity shall not impair a bond for the purposes of this section so long as one of the original applicants for such bond maintains partial ownership in the business covered by the bond.

(2) At the time of initial registration or renewal, the contractor shall provide a bond or other security deposit as required by this chapter and comply with all of the other provisions of this chapter before the department shall issue or renew the contractor's certificate of registration. Any contractor registered as of July 1, 2001, who maintains that registration in accordance with this chapter is in compliance with this chapter until the next renewal of the contractor's certificate of registration.

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(3) Any person, firm, or corporation having a claim against the contractor for any of the items referred to in this section may bring suit upon the bond or deposit in the superior court of the county in which the work was done or of any county in which jurisdiction of the contractor may be had. The surety issuing the bond shall be named as a party to any suit upon the bond. Action upon the bond or deposit brought by a residential homeowner for breach of contract by a party to the construction contract shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within two years from the date the claimed contract work was substantially completed or abandoned. Action upon the bond or deposit brought by any other authorized party shall be commenced by filing the summons and complaint with the clerk of the appropriate superior court within one year from the date the claimed labor was performed and benefits accrued, taxes and contributions owing the state of Washington became due, materials and equipment were furnished, or the claimed contract work was substantially completed or abandoned. Service of process in an action against the contractor, the contractor's bond, or the deposit shall be exclusively by service upon the department. Three copies of the summons and complaint and a fee adopted by rule of not less than twenty dollars to cover the costs shall be served by registered or certified mail, or other delivery service requiring notice of receipt, upon the department at the time suit is started and the department shall maintain a record, available for public inspection, of all suits so commenced. Service is not complete until the department receives the fee and three copies of the summons and complaint. The service shall constitute service on the registrant and the surety for suit upon the bond or deposit and the department shall transmit the summons and complaint or a copy thereof to the registrant at the address listed in the registrant's application and to the surety within two days after it shall have been received.

(4) The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction. The liability of the surety shall not cumulate where the bond has been renewed, continued, reinstated, reissued or otherwise extended. The surety upon the bond may, upon notice to the department and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated but if the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, claims shall be satisfied from the bond in the following order:

- (a) Employee labor and claims of laborers, including employee benefits;
- (b) Claims for breach of contract by a party to the construction contract;
- (c) Registered or licensed subcontractors, material, and equipment;
- (d) Taxes and contributions due the state of Washington;
- (e) Any court costs, interest, and ~~(attorney's [attorneys'])~~ attorneys' fees plaintiff may be entitled to recover. The surety is not liable for any amount in excess of the penal limit of its bond.

A payment made by the surety in good faith exonerates the bond to the extent of any payment made by the surety.

(5) The total amount paid from a bond or deposit required of a general contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount. The total amount paid from a bond or deposit required of a specialty contractor by this section to claimants other than residential homeowners must not exceed one-half of the bond amount or four thousand dollars, whichever is greater.

(6) The prevailing party in an action filed under this section against the contractor and contractor's bond or deposit, for breach of contract by a party to ~~(a)~~ the construction contract

involving a residential homeowner, is entitled to costs, interest, and reasonable attorneys' fees. The surety upon the bond is not liable in an aggregate amount in excess of the amount named in the bond nor for any monetary penalty assessed pursuant to this chapter for an infraction.

(7) If a final judgment impairs the liability of the surety upon the bond so furnished that there is not in effect a bond in the full amount prescribed in this section, the registration of the contractor is automatically suspended until the bond liability in the required amount unimpaired by unsatisfied judgment claims is furnished.

(8) In lieu of the surety bond required by this section the contractor may file with the department a deposit consisting of cash or other security acceptable to the department.

(9) Any person having filed and served a summons and complaint as required by this section having an unsatisfied final judgment against the registrant for any items referred to in this section may execute upon the security held by the department by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the department within one year of the date of entry of such judgment. Upon the receipt of service of such certified copy the department shall pay or order paid from the deposit, through the registry of the superior court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the department shall be the order of receipt by the department, but the department shall have no liability for payment in excess of the amount of the deposit.

(10) The director ~~((may))~~ shall require an applicant applying to renew or reinstate a registration or applying for a new registration to file a bond of ~~((up to three))~~ at least two times, but not more than five times, the normally required amount, if the director determines that an applicant, or a previous registration of a corporate officer, owner, or partner of a current applicant, has had in the past five years a total of six final judgments in actions under this chapter involving a residential single-family dwelling on two or more different structures.

(11) The director may adopt rules necessary for the proper administration of the security.

**Sec. 10.** RCW 18.27.080 and 1988 c 285 s 2 are each amended to read as follows:

(1) No person engaged in the business or acting in the capacity of a contractor may: (a) Bring or maintain any action in any court of this state for the collection of compensation for the performance of any work or for breach of any contract for which registration is required under this chapter; or (b) commence any action to compel another to comply with an arbitration or similar provision in the contractor's contract, or to enforce any such arbitration ruling; without alleging and proving that he was a duly registered contractor and held a current and valid certificate of registration at the time he contracted for the performance of such work or entered into such contract.

(2) For the purposes of this section, the court shall not find a contractor in substantial compliance with the registration requirements of this chapter unless: ((+)) (a) The department has on file the information required by RCW 18.27.030; ((-)) (b) the contractor has a current bond or other security as required by RCW 18.27.040; and ((-)) (c) the contractor has current insurance as required by RCW 18.27.050. In determining under this section whether a contractor is in substantial compliance with the registration requirements of this chapter, the court shall take into consideration the length of time during which the contractor did not hold a valid certificate of registration.

**Sec. 11.** RCW 18.27.200 and 2002 c 82 s 6 are each amended to read as follows:

(1) It is a violation of this chapter and an infraction for any contractor to:

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(a) Advertise, offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Advertise, offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended or revoked;

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor; or

(d) If the contractor is a contractor as defined in RCW 18.106.010, violate RCW 18.106.320.

(2) It is a violation of this chapter and an infraction for any contractor to employ an unregistered contractor. It is not a violation for a contractor to employ an unregistered contractor who was registered at the time he or she entered into a contract with the general contractor, unless the contractor or his or her representative has been notified in writing by the department that the contractor has become unregistered.

(3) Each day that a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, employs an unregistered contractor, or works under a registration issued to another contractor is a separate infraction. Each worksite at which a contractor works without being registered as required by this chapter, works while the contractor's registration is suspended or revoked, or works under a registration issued to another contractor is a separate infraction.

**Sec. 12.** RCW 18.27.340 and 1997 c 314 s 17 are each amended to read as follows:

(1) Except as otherwise provided in subsection (3) of this section, a contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of not less than two hundred dollars and not more than five thousand dollars.

(2) The director may waive collection in favor of payment of restitution to a consumer complainant.

(3) A contractor found to have committed an infraction under RCW 18.27.200 for:

(a) Failure to register; or

(b) Employing an unregistered contractor, shall be assessed a fine of not less than one thousand dollars, nor more than five thousand dollars. The director may reduce the penalty for failure to register, but in no case below five hundred dollars, if the person becomes registered within ten days of receiving a notice of infraction and the notice of infraction is for a first offense. The director may reduce the penalty for employing an unregistered contractor, but in no case may reduce the penalty below seven hundred fifty dollars, if the notice of infraction is for a first offense for employing an unregistered contractor.

(4) Monetary penalties collected under this chapter shall be deposited in the general fund.

**NEW SECTION. Sec. 13.** This act takes effect July 1, 2007."

Senator Hargrove spoke in favor of adoption of the striking amendment.

MOTION

Senator Shin moved that the following amendment by Senator Shin to the striking amendment be adopted.

On page 1, after line 27 of the amendment, insert the following:

**"NEW SECTION. Sec. 2.** A new section is added to chapter 18.27 RCW to read as follows:

No prime residential contractor shall commence or maintain any action to enforce or to compel arbitration regarding payment of the final five percent of the contract price of any contract between the contractor and a residential homeowner for

the construction, alteration, remodel, or other improvement of the residential homeowner's residence until after:

(1) Ninety days after the last date that work was performed on, or goods were supplied to, the homeowner's residence by any potential lien claimant retained by the prime residential contractor on behalf of the homeowner; or

(2) A lien release has been provided to the homeowner by all potential lien claimants, other than the prime residential contractor, that provided goods or services to or on behalf of the homeowner; whichever occurs earlier."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 27, line 24 of the title amendment, after "18.27.340;" insert "adding a new section to chapter 18.27 RCW;"

Senator Shin spoke in favor of adoption of the amendment to the striking amendment.

Senator Honeyford spoke against adoption of the amendment to the striking amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Shin on page 1, line 27 to the striking amendment to Substitute Senate Bill No. 6740.

The motion by Senator Shin failed and the amendment to the striking amendment was not adopted by voice vote.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Hargrove and Fraser to Substitute Senate Bill No. 6740.

Senators Johnson and Stevens spoke against adoption of the striking amendment.

MOTION

Senator Weinstein demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

The President declared the question before the Senate to be the motion of Senator Weinstein, "Shall the main question be now put?"

A division was demanded.

The motion by Senator Weinstein that the previous question be put was sustained by rising vote.

Senator Hargrove spoke in favor of adoption of the striking amendment.

The motion by Senator Hargrove carried and the striking amendment was adopted by voice vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 2 of the title, after "homes;" strike the remainder of the title and insert "amending RCW 60.04.091, 60.04.250, 60.04.031, 60.04.011, 18.27.010, 18.27.020, 18.27.030, 18.27.040, 18.27.080, 18.27.200, and 18.27.340; creating a new section; prescribing penalties; and providing an effective date."

MOTION

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On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6740 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Hargrove, Fraser spoke in favor of passage of the bill.

Senators Finkbeiner, Parlette spoke against passage of the bill.

#### MOTION

On motion of Senator Eide, further consideration of Engrossed Substitute Senate Bill No. 6740 was deferred and the bill held its place on the third reading calendar.

#### SECOND READING

SENATE BILL NO. 6821, by Senators McAuliffe, Schmidt, Weinstein, Kohl-Welles, Pridemore, Benton, Delvin, Rasmussen and Franklin

Creating a work group to explore the creation of college and career readiness centers.

#### MOTION

On motion of Senator McAuliffe, Substitute Senate Bill No. 6821 was substituted for Senate Bill No. 6821 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, McAuliffe and Schmidt be adopted:

Strike everything after the enacting clause and insert the following:

**"NEW SECTION. Sec. 1.** The legislature recognizes that the state has committed itself to providing educational opportunities to students until age twenty-one or until they receive a high school diploma, whichever occurs first. The legislature further recognizes that the purpose of education reform has been to assure that all students are provided a rigorous educational experience that will prepare them for college or the work force. The legislature understands, however, that all students have different learning styles and learn at different rates and that some may require more time to earn a diploma than the standard four years of high school. For these older students, the legislature recognizes that additional opportunities outside of the traditional high school classroom may be necessary. It is the intent of the legislature to explore what learning environments are best suited to helping students access the knowledge and skills necessary to become college or career ready.

**NEW SECTION. Sec. 2.** (1) To the extent funds are appropriated, the office of the superintendent of public instruction in conjunction with the higher education coordinating board and the state board for community and technical colleges, shall convene a work group to explore the creation of college and career readiness centers as a way to provide additional learning opportunities for students in middle school, high school, and beyond high school, up to age twenty-one, who are at a risk of not graduating from high school with their peers. The work group shall, at a minimum, consider the following issues:

(a) Where college and career readiness centers should be located;

(b) How to best administer the educational program at the centers in order to provide students with a flexible learning environment that accommodates the needs of students, including instructional activities and support;

(c) How students, parents, and the community should be provided information about college and career readiness centers;

(d) Funding mechanisms for college and career readiness centers;

(e) Eligibility criteria for college and career readiness centers; and

(f) How a community-school district partnership involving parents, youth organizations, institutions of higher education, and other community leaders of community organizations could be brought together to help implement college and career readiness centers that would support students with diverse learning styles and strategies who may have unique problems and barriers to success in public high schools. In considering the development and implementation of a community-school district partnership, the work group shall consider and make recommendations regarding the use of demonstration projects to pilot this option, including a time frame and cost for implementation.

(2) The work group shall include representatives of the following groups, agencies, and organizations:

(a) The office of the superintendent of public instruction;

(b) The state board of education;

(c) Teachers and faculty from the K-12 and higher education system;

(d) School administrators;

(e) School counselors;

(f) Educational service districts;

(g) Institutions of higher education;

(h) Work force training and education coordinating board;

(i) Representatives of cultural, linguistic, and racial minority groups;

(j) Representatives of the business community;

(k) Representatives of federally recognized Washington tribes;

(l) Skill centers; and

(m) Other interested organizations and personnel.

(3) The office of the superintendent of public instruction shall report the findings of the work group under this section to the state board of education and the legislature no later than January 10, 2007."

Senators Franklin and McAuliffe spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, McAuliffe and Schmidt to Substitute Senate Bill No. 6821.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

#### MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "centers;" strike the remainder of the title and insert "and creating new sections."

#### MOTION

On motion of Senator McAuliffe, the rules were suspended, Engrossed Substitute Senate Bill No. 6821 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators McAuliffe and Pflug spoke in favor of passage of the bill.

#### MOTION

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On motion of Senator Regala, Senator Rockefeller was excused.

## MOTION

On motion of Senator Schoesler, Senator Parlette was excused.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6821.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6821 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hewitt - 1

Excused: Senators Deccio and Parlette - 2

ENGROSSED SUBSTITUTE SENATE BILL NO. 6821, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6522, by Senators Benton, Kastama, Roach, Berkey, Benson, Zarelli, Stevens, Delvin, Honeyford and Schmidt

Concerning campaign contributions made by out-of-state entities.

The measure was read the second time.

## MOTION

Senator Finkbeiner moved that the following amendment by Senators Finkbeiner and Brown be adopted.

On page 2, line 10, after "than" strike "twenty-five" and insert "~~((twenty-five))~~ one thousand three hundred fifty"

Senators Finkbeiner and Brown spoke in favor of adoption of the amendment.

Senator Honeyford spoke against adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Finkbeiner and Brown on page 2, line 10 to Senate Bill No. 6522.

The motion by Senator Finkbeiner carried and the amendment was adopted by voice vote.

## MOTION

On motion of Senator Benton, the rules were suspended, Engrossed Senate Bill No. 6522 was advanced to third reading, the second reading considered the third and the bill was placed

on final passage.

Senator Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Senate Bill No. 6522.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 6522 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hargrove - 1

Excused: Senator Deccio - 1

ENGROSSED SENATE BILL NO. 6522, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6464, by Senators Delvin, McAuliffe, Hewitt, Pridemore and Rasmussen

Expanding the baccalaureate degree program at WSU, Tri-Cities.

## MOTIONS

On motion of Senator Delvin, Substitute Senate Bill No. 6464 was substituted for Senate Bill No. 6464 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Delvin, the rules were suspended, Substitute Senate Bill No. 6464 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Delvin spoke in favor of passage of the bill.

## POINT OF INQUIRY

Senator Jacobsen: "Would Senator Delvin yield to a question? Yes, I'm curious if the four year program are they planning on having an athletic program, in particular football?"

Senator Delvin: "Not that I'm aware of."

Senator Jacobsen: "Well, that'd be two schools we could beat instead of one in the state, when we get our recruiting up to speed."

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6464.

## ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6464 and the bill passed the Senate

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by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6292, by Senators Kohl-Welles, Parlette, Keiser, Thibaudeau, Kline, McAuliffe and Mulliken

Providing an exemption from unemployment compensation contributions for certain small performing arts industries.

#### MOTIONS

On motion of Senator Kohl-Welles, Substitute Senate Bill No. 6292 was substituted for Senate Bill No. 6292 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Kohl-Welles, the rules were suspended, Substitute Senate Bill No. 6292 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles and Parlette spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6292.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6292 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6292, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Committee on Ways & Means of Senate Bill No. 6471 and Senate Joint

Resolution No. 8222.

Senator Esser spoke in favor of the motion.

#### POINT OF INQUIRY

Senator Esser: "Would Senator Zarelli yield to a question? Senator, why is it critical and essential to vote for this motion to go to the ninth order of business at this particular point in time?"

Senator Zarelli: "Thank you Senator. I think we all realize in an hour and a half or so, we'll reach a cut off by rule here in the Senate. I think this bill or these two bills are very important that we get out before that cut off for the very clear reason that if we're....."

#### POINT OF ORDER

Senator Eide: "Well, I believe the good Senator should be speaking on this himself. He's the one that made the motion and I don't understand how they can ask a question to another member and debate..... I'm objecting."

#### REPLY BY THE PRESIDENT

President Owen: "So noted, but he may ask a question and the questioned may answer."

Senator Zarelli: "Thank you Mr. President. Just so the body is aware, these two bills, a constitutional amendment establishes a rainy day fund in the....."

#### POINT OF ORDER

Senator Eide: "I believe the motion before us is whether or not we go to the ninth order. Should we be discussing whether or not we should go to ninth order."

#### REPLY BY THE PRESIDENT

President Owen: "Your point is well taken. The discussion should be on moving to the ninth order of business."

Senator Zarelli: "Thank you Mr. President. I'm trying to help everybody to understand what it is we are going to the ninth order for. To help substantiate the claim that we need to go to the ninth order."

#### REPLY BY THE PRESIDENT

President Owen: "You may not discuss the merits of the bill in the motion to go to the ninth order but you may discuss the reason for going to the ninth order."

Senator Zarelli: "Thank you Mr. President. So the body is aware the measure in which we are trying to move to from, by going to the ninth order, is rainy day fund and the enabling legislation that would help move that along. I believe that this body has throughout the last month or so made comments from the Governor's office to the Majority Leader on the other side of the aisle, as well as the Chair of Ways & Means how important as measure like this would be and, therefore, Mr. President, I think that this body should endorse the comments of all those leaders here in Olympia and we ought to go to the ninth order, relieve the committee of these measures and have an up or down

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vote on them before that cut off rolls around at five o'clock. Thank you Mr. President."

Senator Doumit spoke against the motion to advance to the ninth order of business.

#### MOTION

Senator Esser demanded a roll call vote.

The President declared that at least one-sixth of the Senate joined the demand and the demand was sustained.

#### POINT OF INQUIRY

Senator Hewitt: "Would Senator Doumit yield to a question?"

#### PARLIAMENTARY INQUIRY

Senator Brown: "Thank you Mr. President. Maybe I'm mistaking but I thought our general practice in the Senate was to have one person speak on the motion to go to the ninth order from each side. That was, that's the general practice that we have utilized in the past when I have been on the minority side of the aisle as I recall."

#### REPLY BY THE PRESIDENT

President Owen: "Senator Brown, we actually had that discussion ourselves yesterday and the actual practice is that on points of order we allow a statement on either side. But in this type of motion, it is open to debate."

#### MOTION

Senator Brown demanded that the previous question be put.

The President declared that at least two additional senators joined the demand and the demand was sustained.

#### REMARKS BY THE PRESIDENT

President Owen: "The President and these fine legal help that I have up here, are trying to sort this out because, Senator Hewitt, you were in the middle of asking a question. Now, the purpose for demanding the previous question is to cut off debate so that if a debate is going on it could go on forever and you can interrupt that at any time. The President does believe, however, you should be able to finish asking the question that you were going to ask that you were cut off in the middle of. However, because she then made that motion, Senator Doumit would not be allowed to answer until we...so if you want ask your question you can. The President would allow you to finish asking your question, not in the form of debate but in the form of a question and then we will dispose of Senator Brown's motion."

Senator Hewitt: "Thank you Mr. President. May I ask the question of another Senator?"

#### REMARKS BY THE PRESIDENT

President Owen: "You can continue with the question to the Senator that you are asking."

#### REMARKS BY SENATOR HEWITT

Senator Hewitt: "So, my question to the Senator from the Nineteenth is, the debate that we were having or the discussion we're having is if this is indeed necessary to implement the budget? I was hoping that I could get a resolution on why he thought it would be necessary to implement the budget and if they believe that's its necessary to implement the budget, does that mean that this bill is still alive?"

The President declared the question before the Senate to be the motion of Senator Brown, "Shall the main question be now put?"

The motion by Senator Brown that the previous question be put was sustained by voice vote.

The President declared the question before the Senate to be the motion by Senator Esser that the Senate advance to the ninth order of business to relieve the Committee of Ways & Means of Senate Bill No. 6471 and Senate Joint Resolution No. 8222.

The Secretary called the roll on the motion by Senator Esser to advance to the ninth order and the motion failed by the following vote: Yeas, 22; Nays, 26; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Brandland, Carrell, Delvin, Esser, Finkbeiner, Hewitt, Honeyford, Johnson, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Roach, Schmidt, Schoesler, Stevens, Swecker and Zarelli - 22.

Voting nay: Senators Berkey, Brown, Doumit, Eide, Fairley, Franklin, Fraser, Hargrove, Haugen, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Rockefeller, Sheldon, Shin, Spanel, Thibaudeau and Weinstein - 26.

Excused: Senator Deccio - 1.

#### SECOND READING

SENATE BILL NO. 6418, by Senators Keiser and Deccio

Adding requirements to renew initial limited licenses for dental hygienists.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6418 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Keiser and Brandland spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6418.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6418 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette,

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Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 6418, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6570, by Senators Fairley, Benton, Berkey and Honeyford

Requiring lenders to consider retail installment contracts for the purchase of motor vehicles.

#### MOTIONS

On motion of Senator Fairley, Substitute Senate Bill No. 6570 was substituted for Senate Bill No. 6570 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Fairley, the rules were suspended, Substitute Senate Bill No. 6570 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Fairley spoke in favor of passage of the bill.

#### MOTION

On motion of Senator Brandland, Senator Johnson was excused.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6570.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6570 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Johnson - 2

SUBSTITUTE SENATE BILL NO. 6570, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6637, by Senators Keiser and Deccio

Concerning qualifications for adult family home providers.

The measure was read the second time.

#### MOTION

On motion of Senator Keiser, the rules were suspended, Senate Bill No. 6637 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Keiser spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6637.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6637 and the bill passed the Senate by the following vote: Yeas, 46; Nays, 0; Absent, 1; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 46

Absent: Senator Hargrove - 1

Excused: Senators Deccio and Johnson - 2

SENATE BILL NO. 6637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6208, by Senators Rockefeller and Johnson

Simplifying session law publication.

The measure was read the second time.

#### MOTION

On motion of Senator Rockefeller, the rules were suspended, Senate Bill No. 6208 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Rockefeller spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6208.

#### ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6208 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 0; Excused, 2.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Excused: Senators Deccio and Johnson - 2

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SENATE BILL NO. 6208, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 6396, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6396, by Senators Kohl-Welles, Schmidt, Pridemore, Keiser, Franklin, Thibaudeau, Spanel and Jacobsen

Modifying the accumulation and use of sick leave accrued by part-time faculty.

#### MOTION

On motion of Senator Kohl-Welles, Engrossed Substitute Senate Bill No. 6396 was substituted for Senate Bill No. 6396 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Honeyford moved that the following amendment by Senator Jacobsen be adopted.

On page 2, after line 32, insert the following:

"**NEW SECTION. Sec. 2.** In the event that SSB 6356 passes the legislature, the provisions of that bill shall apply to the state community and technical colleges system."

Senator Honeyford spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senator Jacobsen on page 2, line 32 to Substitute Senate Bill No. 6396.

The motion by Senator Honeyford carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Kohl-Welles, the rules were suspended, Engrossed Substitute Senate Bill No. 6396 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Kohl-Welles, Parlette, Pflug and Benton spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6396.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6396 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 1; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Voting nay: Senator Esser - 1

Excused: Senator Deccio - 1

#### PARLIAMENTARY INQUIRY

Senator Honeyford: "We had on our calendar Senate Bill No. 6838 and Yakima County is a leading hot producing area, number two in the world, and those does, deals with sale of beer. I was wondering we're going to consider that or not?"

#### REPLY BY THE PRESIDENT

President Owen: "You're asking the wrong man."

#### SECOND READING

SENATE BILL NO. 6679, by Senator Haugen

Introducing federal law preemption in regulating train speeds.

#### MOTION

On motion of Senator Haugen, Substitute Senate Bill No. 6679 was substituted for Senate Bill No. 6679 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Haugen moved that the following amendment by Senators Haugen and Benson be adopted.

On page 2, beginning on line 17, after "without" strike all material through "of" on line 18, and insert "making a finding permitted under"

On page 2, beginning on line 32, after "that a" strike all material through "hazard" on line 33, and insert "lower limit is necessary to address local conditions consistent with P.L. 91-458, Sec. 205 (49 U.S.C. Sec. 20106)"

Senators Haugen and Benson spoke in favor of adoption of the amendment.

The President declared the question before the Senate to be the adoption of the amendment by Senators Haugen and Benson on page 2, line 17 to Substitute Senate Bill No. 6679.

The motion by Senator Haugen carried and the amendment was adopted by voice vote.

#### MOTION

On motion of Senator Haugen, the rules were suspended, Engrossed Substitute Senate Bill No. 6679 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Haugen and Benson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6679.

#### ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6679 and the bill passed

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the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6679, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6401, by Senators Doumit, Jacobsen, Schoesler, Regala, Morton and Honeyford

Modifying definitions of charter licenses.

#### MOTIONS

On motion of Senator Doumit, Substitute Senate Bill No. 6401 was substituted for Senate Bill No. 6401 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Doumit, the rules were suspended, Substitute Senate Bill No. 6401 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Doumit spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 6401.

#### ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 6401 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 6401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

#### SECOND READING

SENATE BILL NO. 6635, by Senators Franklin, Benton, Zarelli, Stevens, Honeyford and Rasmussen

Changing provisions relating to adoption.

#### MOTION

On motion of Senator Hargrove, Substitute Senate Bill No. 6635 was substituted for Senate Bill No. 6635 and the substitute bill was placed on the second reading and read the second time.

#### MOTION

Senator Franklin moved that the following striking amendment by Senators Franklin, Rasmussen, Hargrove, Benton and Zarelli be adopted:

Strike everything after the enacting clause and insert the following:

"**Sec. 1.** RCW 26.33.045 and 1995 c 270 s 8 are each amended to read as follows:

(1) An adoption shall not be delayed or denied on the basis of the race, color, or national origin of the adoptive parent or the child involved. (~~However,~~)

(2) When (~~the department or an agency considers~~) considering whether a placement option is in a child's best interests, the department or agency may consider the cultural, ethnic, or racial background of the child and the capacity of prospective adoptive parents to meet the needs of a child of this background if:

(a) A particular child presents specific compelling special circumstances; and

(b) Consideration of the child's cultural, ethnic, or racial background is the only way to achieve the best interest of that child. (~~This~~)

(3) The department shall create standardized training to be provided to all department or agency employees involved in the placement of a child to assure compliance with Title VI of the civil rights act of 1964 and the multiethnic placement act of 1994, as amended by the interethnic adoption provisions of the small business job protection act of 1996.

(4) The provisions of this section shall not apply to or affect the application of the Indian child welfare act of 1978, 25 U.S.C. Sec. 1901 et seq.

**NEW SECTION. Sec. 2.** A new section is added to chapter 26.33 RCW to read as follows:

(1) The department shall establish and maintain, by rule, a schedule of standard adoption-related fees that may be charged. The fee schedule shall be established in consultation with:

- (a) Adoption advocates;
- (b) Agency representatives;
- (c) Adoption attorneys;
- (d) Child welfare advocates;
- (e) Birth and adoptive parents and adoptees;
- (f) Federally recognized tribes; and
- (g) Superior court judges.

(2) Each adoption petition filed pursuant to RCW 26.33.150 seeking adoption of a minor child shall be accompanied by a written disclosure statement containing an itemized accounting of all moneys paid or estimated to be paid by the petitioner for fees, costs, and expenses related to the adoption. The form of the disclosure statement shall be prescribed by the department in consultation with approved adoption agencies licensed in this state.

(3) If any adoption-related fees disclosed in an adoption proceeding are in excess of those established pursuant to subsection (1) of this section, the court may forward a copy of the written disclosure statement to the department.

**NEW SECTION. Sec. 3.** A new section is added to chapter 26.33 RCW to read as follows:

The department shall, in consultation with adoption advocates, representatives of adoption agencies, adoption attorneys, child-placing agencies, birth and adoptive parents and adoptees, federally recognized tribes, and representatives of the superior court judges, review the fees associated with children adopted out of the foster care system who are dependents of the state of Washington. The review shall include a determination of whether fees or any other factors are barriers to adoptions of

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children out of the foster care system. The department shall brief the legislature by December 1, 2006, on recommendations related to reducing any barriers that may exist pertaining to the adoption of children who are dependents of the state of Washington.

**Sec. 4.** RCW 26.33.190 and 1991 c 136 s 3 are each amended to read as follows:

(1) Any person may at any time request an agency, the department, an individual approved by the court, or a qualified salaried court employee to prepare a preplacement report. A certificate signed under penalty of perjury by the person preparing the report specifying his or her qualifications as required in this chapter shall be attached to or filed with each preplacement report and shall include a statement of training or experience that qualifies the person preparing the report to discuss relevant adoption issues. A person may have more than one preplacement report prepared. All preplacement reports shall be filed with the court in which the petition for adoption is filed.

(2) The preplacement report shall be a written document setting forth all relevant information relating to the fitness of the person requesting the report as an adoptive parent. The report shall be based on a study which shall include an investigation of the home environment, family life, health, facilities, and resources of the person requesting the report. The report shall include a list of the sources of information on which the report is based. The report shall include a recommendation as to the fitness of the person requesting the report to be an adoptive parent. The report shall also verify that the following issues were discussed with the prospective adoptive parents:

- (a) The concept of adoption as a lifelong developmental process and commitment;
- (b) The potential for the child to have feelings of identity confusion and loss regarding separation from the birth parents;
- (c) Disclosure of the fact of adoption to the child;
- (d) The child's possible questions about birth parents and relatives; and
- (e) The relevance of the child's racial, ethnic, and cultural heritage, if considered pursuant to RCW 26.33.045.

(3) All preplacement reports shall include an investigation of the conviction record, pending charges, or disciplinary board final decisions of prospective adoptive parents. The investigation shall include an examination of state and national criminal identification data provided by the Washington state patrol criminal identification system as described in chapter 43.43 RCW.

(4) An agency, the department, or a court approved individual may charge a reasonable fee based on the time spent in conducting the study and preparing the preplacement report. The court may set a reasonable fee for conducting the study and preparing the report when a court employee has prepared the report. An agency, the department, a court approved individual, or the court may reduce or waive the fee if the financial condition of the person requesting the report so warrants. An agency's, the department's, or court approved individual's, fee is subject to review by the court upon request of the person requesting the report.

(5) The person requesting the report shall designate to the agency, the department, the court approved individual, or the court in writing the county in which the preplacement report is to be filed. If the person requesting the report has not filed a petition for adoption, the report shall be indexed in the name of the person requesting the report and a cause number shall be assigned. A fee shall not be charged for filing the report. The applicable filing fee may be charged at the time a petition governed by this chapter is filed. Any subsequent preplacement reports shall be filed together with the original report.

(6) A copy of the completed preplacement report shall be delivered to the person requesting the report.

(7) A person may request that a report not be completed. A reasonable fee may be charged for the value of work done.

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**Sec. 5.** RCW 26.33.240 and 1987 c 170 s 8 are each amended to read as follows:

(1) After the reports required by section 2 of this act and RCW 26.33.190 and 26.33.200 have been filed, the court shall schedule a hearing on the petition for adoption upon request of the petitioner for adoption. Notice of the date, time, and place of hearing shall be given to the petitioner and any person or agency whose consent to adoption is required under RCW 26.33.160, unless the person or agency has waived in writing the right to receive notice of the hearing. If the child is an Indian child, notice shall also be given to the child's tribe. Notice shall be given in the manner prescribed by RCW 26.33.310.

(2) Notice of the adoption hearing shall also be given to any person who or agency which has prepared a preplacement report. The notice shall be given in the manner prescribed by RCW 26.33.230.

(3) If the court determines, after review of the petition, ~~((preplacement and post-placement))~~ reports, and other evidence introduced at the hearing, that all necessary consents to adoption are valid or have been dispensed with pursuant to RCW 26.33.170 and that the adoption is in the best interest of the adoptee, and, in the case of an adoption of an Indian child, that the adoptive parents are within the placement preferences of 25 U.S.C. Sec. 1915 or good cause to the contrary has been shown on the record, the court shall enter a decree of adoption pursuant to RCW 26.33.250.

(4) If the court determines the petition should not be granted because the adoption is not in the best interest of the child, the court shall make appropriate provision for the care and custody of the child.

**Sec. 6.** RCW 26.33.400 and 1991 c 136 s 6 are each amended to read as follows:

(1) Unless the context clearly requires otherwise, "advertisement" means communication by newspaper, radio, television, handbills, placards or other print, broadcast, or the electronic medium. This definition applies throughout this section.

(2) No person or entity shall cause to be published for circulation, or broadcast on a radio or television station, within the geographic borders of this state, an advertisement of a child or children offered or wanted for adoption, or shall hold himself or herself out through such advertisement as having the ability to place, locate, dispose, or receive a child or children for adoption unless such person or entity is:

(a) A duly authorized agent, contractee, or employee of the department or a children's agency or institution licensed by the department to care for and place children;

(b) A person who has a completed preplacement report as set forth in RCW 26.33.190 (1) and (2) or chapter 26.34 RCW with a favorable recommendation as to the fitness of the person to be an adoptive parent, or such person's duly authorized uncompensated agent, or such person's attorney who is licensed to practice in the state. Verification of compliance with the requirements of this section shall consist of a written declaration by the person or entity who prepared the preplacement report.

Nothing in this section prohibits an attorney licensed to practice in Washington state from advertising his or her availability to practice or provide services related to the adoption of children.

~~(3)(a) A violation of subsection (2) of this section is a matter affecting the public interest ((for the purpose of applying chapter 19.86 RCW. A violation of subsection (2) of this section is not reasonable in relation to the development and preservation of business. A violation of subsection (2) of this section)) and constitutes an unfair or deceptive act or practice in trade or commerce for the purpose of applying chapter 19.86 RCW.~~

(b) The attorney general may bring an action in the name of the state against any person violating the provisions of this section in accordance with the provisions of RCW 19.86.080.

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(c) Nothing in this section applies to any radio or television station or any publisher, printer, or distributor of any newspaper, magazine, billboard, or other advertising medium which accepts advertising in good faith without knowledge of its violation of any provision of this section after an attempt to verify the advertising is in compliance with this section.

**NEW SECTION. Sec. 7.** A new section is added to chapter 26.33 RCW to read as follows:

It is prohibited in the state of Washington for any entity engaged in any service related to the adoption of children to operate as a for-profit entity.

**NEW SECTION. Sec. 8.** Sections 1 through 7 of this act take effect January 1, 2007.

**NEW SECTION. Sec. 9.** The secretary of the department of social and health services may take the necessary steps to ensure that this act is implemented on its effective date."

Senator Franklin spoke in favor of adoption of the striking amendment.

The President declared the question before the Senate to be the adoption of the striking amendment by Senators Franklin, Rasmussen, Hargrove, Benton and Zarelli to Substitute Senate Bill No. 6635.

The motion by Senator Franklin carried and the striking amendment was adopted by voice vote.

## MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "adoption;" strike the remainder of the title and insert "amending RCW 26.33.045, 26.33.190, 26.33.240, and 26.33.400; adding new sections to chapter 26.33 RCW; creating a new section; and providing an effective date."

## MOTION

On motion of Senator Hargrove, the rules were suspended, Engrossed Substitute Senate Bill No. 6635 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Franklin spoke in favor of passage of the bill.

Senator Shin spoke against passage of the bill

The President declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 6635.

## ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 6635 and the bill passed the Senate by the following vote: Yeas, 44; Nays, 4; Absent, 0; Excused, 1.

Voting yea: Senators Benton, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 44

Voting nay: Senators Benson, Berkey, Kastama and Shin - 4

Excused: Senator Deccio - 1

ENGROSSED SUBSTITUTE SENATE BILL NO. 6635, having received the constitutional majority, was declared

passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6412, by Senators Doumit, Zarelli and Hargrove

Increasing the number of superior court judges in Clallam and Cowlitz counties.

The measure was read the second time.

## MOTION

On motion of Senator Kline, the rules were suspended, Senate Bill No. 6412 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Kline spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6412.

## ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 6412 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SENATE BILL NO. 6412, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

## SECOND READING

SENATE BILL NO. 6766, by Senators Schmidt, McAuliffe and Rasmussen

Regarding the national guard conditional scholarship.

The measure was read the second time.

## MOTION

On motion of Senator Schmidt, the rules were suspended, Senate Bill No. 6766 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senator Schmidt spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Senate Bill No. 6766.

## ROLL CALL

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The Secretary called the roll on the final passage of Senate Bill No. 6766 and the bill passed the Senate by the following vote: Yeas, 47; Nays, 0; Absent, 1; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 47

Absent: Senator Hewitt - 1

Excused: Senator Deccio - 1

SENATE BILL NO. 6766, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5654, by Senators Prentice, Esser, Oke and Kohl-Welles

Protecting the privacy of personal information of criminal justice officials.

MOTIONS

On motion of Senator Prentice, Substitute Senate Bill No. 5654 was substituted for Senate Bill No. 5654 and the substitute bill was placed on the second reading and read the second time.

On motion of Senator Prentice, the rules were suspended, Substitute Senate Bill No. 5654 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Esser: "I thought that there was an amendment on the bar? It's in the system."

REPLY BY THE PRESIDENT

President Owen: "We'll take a moment and look."

PARLIAMENTARY INQUIRY

Senator Prentice: "Did I finish 'bumping' it?"

REPLY BY THE PRESIDENT

President Owen: "You did."

Senators Prentice, Finkbeiner, Esser and Johnson spoke in favor of passage of the bill.

The President declared the question before the Senate to be the final passage of Substitute Senate Bill No. 5654.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 5654 and the bill passed the Senate by the following vote: Yeas, 48; Nays, 0; Absent, 0; Excused, 1.

Voting yea: Senators Benson, Benton, Berkey, Brandland, Brown, Carrell, Delvin, Doumit, Eide, Esser, Fairley, Finkbeiner, Franklin, Fraser, Hargrove, Haugen, Hewitt, Honeyford, Jacobsen, Johnson, Kastama, Keiser, Kline, Kohl-Welles, McAuliffe, McCaslin, Morton, Mulliken, Oke, Parlette, Pflug, Poulsen, Prentice, Pridemore, Rasmussen, Regala, Roach, Rockefeller, Schmidt, Schoesler, Sheldon, Shin, Spanel, Stevens, Swecker, Thibaudeau, Weinstein and Zarelli - 48

Excused: Senator Deccio - 1

SUBSTITUTE SENATE BILL NO. 5654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Senator Esser moved that the Senate advance to the ninth order of business for the purpose of relieving the Government Operations & Elections Committee of Senate Bill No. 6388.

MOTION

At 4:43 p.m., on motion of Senator Eide, the Senate adjourned until 12:00 noon Wednesday, February 15, 2006.

BRAD OWEN, President of the Senate

THOMAS HOEMANN, Secretary of the Senate

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